



**Tarion Warranty Corporation**

5160 Yonge Street, 12<sup>th</sup> Floor  
Toronto, Ontario M2N 6L9  
Toll-Free: 1-877-982-7466  
www.tarion.com

December 10, 2013

Toronto Standard Condo Corp. 2117  
c/o Equity ICI Real Estate Services Inc.  
110 Charles Street East  
Toronto ON  
M4Y 1T5

Enrolment # H1455781  
Case # 3025569

Vendor/Builder # 36371  
Civic Address: 110 Charles St. E.,  
TORONTO, ON, M4Y 1T5

**Warranty Assessment Results**

Dear Condominium Corporation Representative,

Please find enclosed a copy of our *Warranty Assessment Report*. The report outlines our assessment of the item(s) under the *Ontario New Home Warranties Plan Act*.

**What Happens Next**

Your builder should resolve the warranted item(s) within a specified repair period. Please note that there are specific situations for which this timeline may not apply (such as repairs to the exterior). For more details about the repair periods, please refer to *Builder Bulletin 49*. We will contact you after the end of the repair period to confirm items have been resolved.

If an item in the report is categorized as "Under Investigation," we require more information to determine whether or not it is warranted. A final report at the end of our investigation will be issued for an item listed as "Under Investigation".

**Working with Your Builder**

In order to protect your warranty rights, we highly recommend that you allow your builder's representatives and sub-contractors access necessary to resolve the warranted items.

If you have any questions, please contact me at 1-877-982-7466, extension 2161.

Sincerely,

Sedin Heric  
Warranty Services Representative, CE

**Do you disagree with our assessment?** Homeowners who disagree with an assessment may request a formal decision letter from Tarion that will enable them to submit an appeal to the Licence Appeal Tribunal (LAT). LAT is an independent adjudicative agency created by the Ontario government. You can learn more about LAT by visiting [www.lat.gov.on.ca](http://www.lat.gov.on.ca).

**WARRANTY ASSESSMENT REPORT**

**Owner Name(s):** Toronto Standard Condo Corp. 2117  
**Enrolment Number:** H1455781  
**Enrolment Address:** 110 Charles St. E. TORONTO, M4Y 1T5  
**Vendor/Builder Name:** Great Gulf (Jarvis-Charles) Ltd.  
**Vendor/Builder Number:** 36371  
**Date of Possession:** November 8, 2010  
**Case Type/Sub-Type:** CE Case  
**Case Number:** 3025569  
**Inspection Date:** November 26, 2013  
**Report Date:** December 10, 2013

**Attendance at Inspection**

David Poynton, TSCC 2117  
Robert Gillooly, Equity ICI/TSCC 2117  
Megan Mackey, Miller Thomson (counsel to TSCC 2117)  
Paul Silverthorne, Dimax Building Performance  
Andrew Cattani, Exp.  
Alfred Galea, Exp.  
Ray Eleid, Solucore Inc.

Andrew Miasik, Great Gulf  
Chris Mallinos, Tucker HiRise  
Andrew Ritchie, Tucker HiRise  
Robert Chiovitti, Tucker HiRise  
Steven Little, Able Engineering Inc.  
Andrew McLeod, KJA Consultants Inc.

Sedin Heric, Tarion Warranty Corporation

This is the Warranty Assessment Report for items listed in the owner's CE Case. The numbers below in brackets correspond to that form, and the descriptions provided for each item are the owner's descriptions from that form. The warranties referred to in this report (e.g., One Year Workmanship Warranty) are described in Appendix A.

The following is a breakdown of your item(s) as assessed:

Warranted

The following item(s) are warranted:

- (5) Section 2, Exterior Cladding, Windows and Balconies - Performance Audit Reference: 2.03 - The fasteners in the vertical protruding mullion frame are rusted throughout the building. Location: Window Walls

**Reason:**

It was reported that fasteners in the protruding mullion frame are rusted throughout the building.

The vendor acknowledged that the fasteners used on the exterior of the building are rusted and that the affected fasteners will be replaced. They also provided a signed letter dated June 5, 2012 from Allan Window Technologies Ltd. Which states that rust has appeared on the screw heads, however the screws are still adequate to meet structural connection requirements.

Tarion observed some of the rusted fasteners on the vertical mullions on the exterior of the building at the conciliation inspection. Only some of the fasteners were visible from the building exterior however both parties confirmed that all above described fasteners are rusted.

The rusted exterior fasteners as reported above are considered a defect. This is a defect in materials that amounts to a breach of the One Year Materials Warranty.

- (8) Section 2, Exterior Cladding, Windows and Balconies - South Elevation - Performance Audit Reference: 2.21 - The windows appear to be a drained system as all horizontal frames have drainage weep holes on the bottom face. The base of the window walls have been continuously sealed to the masonry and steel beams. How do the bottom fixed and awning windows drain? Location: Window Wall at the Townhouses

**Reason:**

The owner identified that the South elevation of the townhomes does not have weep holes at the base of the window wall and it is unclear how the windows drain.

The vendor explained that the system is designed as a drained system. The vendor also provided a letter from Allan Window Technologies Ltd. Which states: "The sill of the windows are sealed with caulking at the interface of the frame and the precast. Drain Holes are spaced at approximately 1200mm."

Tarion observed a few drain holes on the East end of the South elevation of the townhomes at the base of the window walls, however no drain holes were observed on the West end of the townhomes at the interface of the window frame and precast. Drain holes are to be provided as described above. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (15) Section 2. Exterior Cladding, Windows and Balconies - West Elevation - Performance Audit Reference: 2.38 - The window wall appears to be a drained system. How do the base window units drain? Location: 3rd Floor Common Terrace Window Wall

**Reason:**

The owner identified that the West elevation accessible from the third floor common area terrace does not have weep holes at the base of the window wall and it is unclear how the windows drain.

The vendor explained that the system is designed as a drained system and that the area is drained below the roof top ballast that is directly adjacent to the window wall to the roof drains. The vendor also provided a letter from Allan Window Technologies Ltd. Which states: "The sill of the windows are sealed with caulking at the interface of the frame and the precast. Drain Holes are spaced at approximately 1200mm."

Tarion did not observe any drain holes at the base of the window wall. Drain holes are to be provided as described above. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (43) Section 6. Mechanical - Performance Audit Reference: 6.10 - The chiller room makeup air and exhaust were noted to be on the south end of the room. This does not provide proper ventilation for the north end of the room. Location: Penthouse Chiller Room

**Reason:**

It was reported that the make-up air and the exhaust in the penthouse chiller room does not provide adequate ventilation for the North end of the room.

The vendor explained that the exhaust fan is rated at 4000 CFM and has enough power to clear the room should an issue occur.

The air intake was observed on the East end of the South side of the room and the exhaust fan was observed to be on the West end of the South side of the room.

The vendor also provided a signed letter from Able Engineering dated October 25, 2013 which states: "Re Item 638 The exhaust in the chiller room is designed to CSA B-52 for the ventilation of the refrigerant and is controlled by the detection system. The duct from the exhaust fan should be at a lower level to exhaust the refrigerant."

The exhaust duct is to be adjusted in order to satisfy the letter described above. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(47)

Section 9. Barrier Free - Women's Change Room on the 3rd floor - Performance Audit  
Reference: 9.02 - The centerline of the water closet was measured to be 420 mm away from the adjacent wall contrary to the requirement of the 2006 OBC clause 3.8.3.8.(1)(c) of 460 to 480 mm. Location: Water closet stall

**Reason:**

It was reported that the location of the water closet at the above location is not installed as per the 2006 OBC clause 3.8.3.8. (1)(c) Of 460 to 480mm.

The vendor agreed and explained that this issue will be resolved.

The center line of the water closet at the above location was measured to be located 420mm from the adjacent wall that is contrary to the 2006 OBC clause 3.8.3.8. (1)(c). This is a violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(48)

Section 9. Barrier Free - Men's Change Room on the 3rd floor - Performance Audit  
Reference: 9.08 - The centerline of the water closet was measured to be 580 mm away from the adjacent wall exceeding the requirement of the 2006 OBC clause 3.8.3.8.(1)(c) of 460 to 480 mm. Location: Water closet stall

**Reason:**

It was reported that the location of the water closet at the above location is not installed as per the 2006 OBC clause 3.8.3.8. (1)(c) Of 460 to 480mm.

The vendor agreed and explained that this issue will be resolved.

The centerline of the water closet at the above location was measured to be 580mm from the adjacent wall that is contrary to the 2006 OBC clause 3.8.3.8. (1)(c). This is a violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(49)

Section 9. Barrier Free - Ground floor - Performance Audit Reference: 9.13 - The centerline of the water closet was measured to be 380 mm away from the adjacent wall exceeding the requirement of the 2006 OBC clause 3.8.3.8.(1)(c) of 460 to 480 mm.  
Location: Handicap washroom

**Reason:**

It was reported that the location of the water closet at the above location is not installed as per the 2006 OBC clause 3.8.3.8. (1)(c) Of 460 to 480mm.

The vendor agreed and explained that this issue will be resolved.

The center line of the water closet at the above location was measured to be 380mm from the adjacent wall that is contrary to the 2006 OBC clause 3.8.3.8. (1)(c). This is a violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(78)

Elevator Deficiencies: 6. The operating time up on all cars should be improved to reflect the value stated in the performance table. Refer to the "Performance Data" for the suggested value.

**Reason:**

It was reported that the operating time up on all cars should be improved to reflect the value stated in the performance table.

The owner provided a signed report from the original elevator consultant responsible for the design of the elevators KJA Consultants Inc. dated December 3, 2013. The elevator operating times identified in the KJA report as the intended performance criteria for this building are 10.5 seconds for elevator 1 and 8.5 seconds for elevators 2, 3, 4. The actual operating time up identified by Solucore in the performance audit is 11.56 seconds for elevator 1, 10.47 seconds for elevator 2, 9.62 seconds for elevator 3 and 9.69 seconds for elevator 4.

The operating time up for elevators 1, 2, 3, 4 at the time of performance audit submission does not meet the intended design criteria as noted in the KJA report as per section 6.1 of the Common Element Construction Performance Guidelines. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(79)

Elevator Deficiencies: 7. The operating time down on Cars 1, 2 and 4 should be improved to reflect the value stated in the performance table. Refer to the "Performance Data" for suggested value.

**Reason:**

It was reported that the operating time down on all cars should be improved to reflect the suggested value stated in the performance table.

The owner provided a signed report from the original elevator consultant responsible for the design of the elevators KJA Consultants Inc. dated December 3, 2013. The elevator operating times identified in the KJA report as the intended performance criteria for this building are 10.5 seconds for elevator 1 and 8.5 seconds for elevators 2, 3, 4. The actual operating time down identified by Solucore in the performance audit is 12.53 seconds for elevator 1, 10.28 seconds for elevator 2, 9.34 seconds for elevator 3 and 9.62 seconds for elevator 4.

The operating time down for elevators 1, 2, 3, 4 at the time of performance audit submission does not meet the intended design criteria as noted in the KJA report as per section 6.1 of the Common Element Construction Performance Guidelines. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(83)

Elevator Deficiencies: 11. The hall call dwell time should be improved on all cars to that they are consistent. Refer to the "Performance Data" for suggested value.

**Reason:**

It was reported that the hall call dwell time should be improved on all cars so that they are consistent. Refer to the "Performance Data" for the suggested value.

The vendor explained that these times could be adjusted to whatever is required. The hall call dwell time identified in the KJA report as the intended performance criteria for this building is 4 seconds however 5 seconds would also be acceptable. The actual hall call dwell time identified by Solucore in the performance audit is 3.24 seconds for elevator 1, 3.13 seconds for elevator 2, 7.85 seconds for elevator 3 and 7.63 seconds for elevator 4.

The hall call dwell times for all elevators at the time of performance audit submission does not meet the intended design criteria as noted in the KJA report. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (87) Elevator Deficiencies: 15. The EZ-SCAN panel for Car 4 is loose and open and should be properly fastened.

**Reason:**

Both the owner and the vendor agreed that the panel is still an issue that is not resolved. This item represents a defect that is required to be repaired. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (90) Elevator Deficiencies: 18. The emergency light in the cab is not working. The light should be replaced.

**Reason:**

During the conciliation it was determined that elevator car 2 emergency light is missing a light bulb. this condition was not presented in any of the other elevators.

Since this item was originally reported and it is unclear if this bulb was ever installed this represents a defect that is required to be resolved. This is a defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

Not Warranted

The following item(s) are not warranted:

- (3) Section 2. Exterior Cladding, Windows and Balconies - Performance Audit Reference:  
2.01 - Drip checks have not been provided in the balcony soffits. Location: Balcony Soffits



**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective. " There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

- (4) Section 2. Exterior Cladding, Windows and Balconies - Performance Audit Reference:  
2.02 - There is sealant residue on the spandrel panels and frame throughout the building.  
Location: Window Walls

**Reason:**

It was reported that there was sealant residue on the spandrel panels and frame throughout the building.

Walkthrough of the exterior of the entire building was conducted and Tarion did not observe any sealant residue on spandrel panels on any of the four exterior elevations of the building. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (9) Section 2. Exterior Cladding, Windows and Balconies - South Elevation - Performance:  
Audit Reference: 2.23 - Cantilevered canopies above entrances appear to be level on the top face. How does canopy water collect and drain? Does snow build-up on top?  
There is evidence of water draining onto the porch below the canopy. Location:  
Townhouse Entrances

**Reason:**

The owner identified and questioned how the four cantilevered roofs above the townhome entrances are being drained.

Tarion observed that the roofs in question are approximately 1m x 1m in size and have been designed with a small lip designed to keep the water from running under the roof and dripping in front of the entrance door and into the path of travel. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(10)

Section 2, Exterior Cladding, Windows and Balconies - South Elevation - Performance  
Audit Reference: 2.25 - Drip checks have not been provided in the balcony soffits.  
Location: Balcony Soffits

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(11)

Section 2, Exterior Cladding, Windows and Balconies - East Elevation - Performance  
Audit Reference: 2.26 - Drip checks have not been provided in the balcony soffits.  
Location: Balcony Soffits

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(12)

Section 2. Exterior Cladding, Windows and Balconies - West Elevation - Performance  
Audit Reference: 2.33 - The brick masonry above the door rests well beyond the steel lintel and not within the O.B.C. Section 9.20.8.5. Location: Ground Floor South Exit Door

**Reason:**

Tarion observed and measured that the brick masonry above the identified door that is the South exit door on the West side elevation rests approximately 30mm beyond the steel lintel which meets the Ontario Building Code Reference 9.20.8.5. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(14)

Section 2. Exterior Cladding, Windows and Balconies - West Elevation - Performance  
Audit Reference: 2.36 - Drip checks have not been provided in the balcony soffits.  
Location: Balcony Soffits

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(16)

Section 2. Exterior Cladding, Windows and Balconies - North Elevation - Performance  
Audit Reference: 2.67 - Drip checks have not been provided in the balcony soffits.  
Location: Balcony Soffits

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

- (17) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.79 - The drainage characteristics at the balconies cause water to fall directly from the face of the balcony slab edge onto the balcony below. Many residents have complained of the noise and the volume of the water that falls directly onto the balconies. Location: Balcony drainage all locations

**Reason:**

It was reported that the drainage characteristics of the balconies cause water to fall directly from the face of the balcony slab edge onto the balcony below.

The above condition was not presented during the conciliation. This item deals with the same issue as previous items regarding the requirement of drip checks.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

- (18) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.80 - Drip slots have not been provided on the underside of any of the balcony slabs. Location: Balcony drainage all locations

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that the water is dripping from the underside of balconies.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

(19)

Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.81 - Detail 5 on page 614 of the architectural drawings shows flashing to be installed along the face of the balcony slab with a drip edge. This has not been installed. Location: Balcony drainage all locations

**Reason:**

It was reported that drip checks have not been provided on the balcony soffits and that architectural drawings shows flashing to be installed along the face of the balcony slab with a drip edge.

The vendor explained that drip checks are not a requirement and provided a signed letter from Arsenault Architect Inc. dated November 8, 2013 which confirms that drip edges on balconies are not required as per the Ontario Building Code.

Tarion observed that drip checks have not been installed on any of the balconies, the condition of water dripping off the underside of balconies was not observed. No information was received from the owner to substantiate that installation of drip checks is a requirement.

Tarion Common Element Construction Performance Guidelines does mention drip edges in section 2.7 where it simply states under Action "Where drip edges are provided, they must be effective." There is no mention of a requirement of drip edges. There is no violation of the Ontario Building Code that amounts to a breach of the One Year Building Code Warranty.

- (30) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.118 - The inside corner closure on the interior of the  
suite is warped and is pulling away from the frame. Location: Suite 2604 interior  
window system near the balcony

**Reason:**

Access to suite 2604 was provided and the alleged defect with the inside of the  
window frame near the balcony on the interior of the suite was not observed nor  
was it identified by the owner. There is no defect in workmanship that amounts to  
a breach of the One Year Workmanship Warranty.

- (33) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.130 - An excessive amount of shims have been installed  
between the floor and the underside of the guard system. Location: Suite 1203 balcony  
guard rail system

**Reason:**

It was observed that shims were installed between the balcony concrete slab floor  
and a part of the guard system.

The owner is unclear how the guard system is supported and wanted clarification  
that the shims are not part of the support system of the balcony guards.

The vendor explained that the shims are only part of the support for the cap that is  
covering the gap between the guard system and the balcony slab and that the  
balcony guard system is actually a modified window wall system.

It was observed that shims were installed under the cap of the balcony guard  
system for the length of the cap in several places; one area had more shims than  
the rest. It was also observed that the cap is attached to the slab by bolts that run  
directly into the slab at several places along the width of the cap. The balcony  
guard system was also observed to be very solid with no movement or  
displacement observed. It is unclear how or if at all the cap is attached to the  
guard system.

The vendor also provided a signed and stamped letter from Allan Window  
Technologies Ltd. Dated June 29, 2010 which states that windows meet  
performance requirements as per the Ontario Building Code and the performance  
requirements as per CAN/CSA-A440. The letter also states: "All glass within the  
window frames that extend to less than 1000mm from the floor is designed to meet  
the guard loading requirements as per Part 3.7.2.2 and Part 4.1.5.15 (1) b and  
4.1.5.12 (2) of the 2006 Building Code of Ontario." There is no defect in  
workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (35) Section 3. Common Area Interior - Stairwell B - Performance Audit Reference: 3.201 - There is staining on the drywall soffit and adjacent south partition wall at the middle of the room. A leaching crack on the concrete soffit above is visible through the access door on the drop drywall ceiling. Location: Pool Mechanical Room (within the 2nd Floor Mechanical Room)

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the building envelope of the home that amounts to a breach of the Two Year Water Penetration Warranty – Building Envelope.

- (36) Section 4. Garage - P1 Resident Parking - Performance Audit Reference: 4.63 - There is a north-south staining crack on the soffit. This area should be cleaned and monitored for water penetration. Location: Soffit at the drive aisle of stall 18 adjacent to the shear wall

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

- (37) Section 4. Garage - P1 Resident Parking - Performance Audit Reference: 4.69 - There are staining cracks on the west perimeter wall and soffit above Lockers 5 and 6. Location: P118 Bicycle Storage

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

- (38) Section 4. Garage - P1 Resident Parking - Performance Audit Reference: 4.70 - There is water and rust staining cracks on the floor and perimeter wall/corner wall interface across from Locker 6 Location: P118 Bicycle Storage

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.



- (39) Section 4. Garage - P1 to P2 Ramp - Performance Audit Reference: 4.84 - There are three areas of minor staining on the soffit. This area should be cleaned and monitored for water penetration. Location: Soffit adjacent to the ramp wall at the top of the ramp and approximately 4 m down the ramp between the ceiling light and overhead sprinkler piping just above mid-ramp level

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

- (40) Section 4. Garage - P1 to P2 Ramp - Performance Audit Reference: 4.85 - There is a full-width north-south staining crack which appears to correspond to the treated/untreated P1/P2 ramp construction joint above. Location: Soffit just below the mid-ramp

**Reason:**

The above-described area was inspected and no concrete cracks or evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

- (41) Section 4. Garage - Stairwell A - Performance Audit Reference: 4.247 - There is water staining on the floor originating from inside Lockers 6 and 7. Exp was unable to determine the source of the water due to limited visual access to the perimeter wall (blocked by storage material) Location: P1 level P108 Bicycle Storage

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

- (42) Section 4. Garage - Stairwell B - Performance Audit Reference: 4.252 - It was reported that this small room has very limited air circulation and is not suitable to be occupied for extended periods of time. Location: Administration (Property Management Office) on the ground floor

**Reason:**

It was reported that the management office on the ground floor has poor air circulation.

The vendor provided a signed letter from Able Engineering dated November 7, 2013 which states: "This shall confirm that our design has a prescribed maximum airflow of 60 CFM for the small manager's office on the ground floor, which is above the 17 CFM (or 35 CFM for two people) as required by ASHRAE 62."

Tarion inspected and measured the room in question which is the ground floor property management office. The office is approximately 4.8m x 1.7m in size, and one ceiling register was observed with typical airflow felt at the register as the system was running during the inspection.

Section 7.17 of the Construction Performance Guidelines describes the condition of inadequate air supply. No information was received to show that the current system performance does not meet the system design requirements. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(44)

Section 6. Mechanical - Performance Audit Reference: 6.31 - Sanitary water drain was uninsulated in the P214 bicycle room. Location: P2 Underground Parking Garage Bicycle Room

**Reason:**

It was reported that the sanitary water drain was un-insulated in the P214 bicycle room.

Tarion observed that the trap of the drain is insulated and the pipe leading to this drain is not. This bicycle room was also observed to be a heated space with a thermostat located on the inside of the room and set to 21 degrees Celsius at the time of the inspection.

Both the owner's as well as the vendor's engineers agreed at the time of the inspection that the current condition is acceptable. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(45)

Section 6. Mechanical - Performance Audit Reference: 6.36 - The resident has complained about noises emanating from the elevator. Sounds were heard from the unit. Location: Suite 4407 Elevator noise Complaint

**Reason:**

It was reported that there is excessive elevator noise heard from unit 4407. No additional information was provided from the owner to prove that a defect exists.

The vendor provided a signed letter from HGC Engineering dated November 11, 2013. The letter states that elevator 1 was not functioning at the time of their site visit and that elevator 2 was. The sound levels in suite 4407 associated with the operation of the elevators were tested and the ambient noise levels measured in suite 4407 were 32-34dBA, when the levels for the elevators were audible the instantaneous sound levels increased to approximately 35-39 dBA they were at most about 5dBA above the ambient. The letter also refers to the Construction Performance Guidelines Section 6.12 which indicates that sound mitigation is only required for elevator noise when it is 10dBA greater than ambient.

Access to suite 4407 was provided during the conciliation. Tarion observed that the suite is directly adjacent to elevator 2 with elevator 1 being adjacent to elevator 2. Some minor noise was heard in the suite when the elevators were in operation and no other noise was present, both elevators 1 and 2 were moving up and down and their doors were opening and closing during the inspection. No significant or unusual sounds were heard in the suite when the elevators were operating. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty. The workmanship meets the standards required by the Construction Performance Guidelines, which are available online at [www.tarion.com](http://www.tarion.com).

(46)

Section 8. Fire Safety - Performance Audit Reference: 8.71 - Not provided with Manual Pull Station. Location: P1 Parking Level Garbage Room

**Reason:**

It was reported that no manual pull station was provided in the P1 parking level garbage room.

The vendor explained that this is not a requirement and provided a signed letter from Able Engineering dated October 25, 2013 which states: "Re Item 776 There is no requirement for a pull station at the door from the P-1 garbage room to the parking garage, as the door is not a required exit by definition of the Ontario Building Code"

The garbage room in question is located inside of the parking garage on the P1 level; no manual pull station was observed in the garbage room however a manual pull station was observed at the exit from the parking garage near the garbage room. The owner did not provide any information that identifies that a manual pull station is required in the P1 parking level garbage room. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (50) Section 10: Roof Anchors - Performance Audit Reference: 10.03 - The drawings were not provided and it could not be determined if the davit base anchors were adhesive type anchors. If they are adhesive anchors an engineering test report is required.  
Location: Davit Base Anchors

**Reason:**

The Roof Anchor drawings described above are provided and posted in laminated covers. Detail (1, 2.01) on the posted "Window Cleaning Safety System Layout" drawing identifies a "Cast in Pier Davit Base" detail.

The vendor also provided a signed letter dated July 5, 2010 from Pro-Bel "Installation Certification and Sign Off". There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (52) Section 11 - Performance Audit Reference: 11.01 - Frequent breakdowns during the cooling season have been reported. The board and management have stated: "While we have been told several times that this been fixed, as recently as this past Friday evening (September 2nd) the AC failed again. Bylaw maximums of 26 degrees Celsius were frequently exceeded over the summer." Further investigation of this issue will be required during the cooling season. Location: Central Air Conditioning System

**Reason:**

The owner explained that cooling in the building has been an issue for a long time and that they do not have actual evidence of what the vendor did when making necessary repairs. The owner also provided a signed report from Dimax dated November 25, 2013. The Dimax report explains that there are persistent difficulties to achieve adequate cooling within the suites in hotter weather. The report also identifies that "During hotter periods in the summer, measurements within suites have shown that the ambient temperature rises to 24-25 degrees Celsius when fan cooling units are in full cooling mode." It also explains that there were other issues with the chiller including insufficient refrigerant and the chilled water supply temperature setting not being low enough, it also mentions that these issues were corrected in the past. The report also states that the sizing of the chiller and its rated capacity from the information on the actual installed equipment was shown to be consistent with standard design practice.

The report also states that to improve the operational performance of cooling in the building the most important goal is to deliver chilled water to cooling equipment at or close to the design entering water temperature of 44 degrees Fahrenheit. According to the report the Corporation installed a new building automation system with no contribution from the vendor. Several modifications to the building automation system installed by the Corporation were also identified as required.

The owner also submitted an Exp. report dated November 26, 2013. The report identifies some of the chiller system equipment, the water temperatures for the supply and return are higher than the set temperature determining from the information they received. The report also states that further investigation is required regarding the control and response of the variable speed chilled water pump. Chiller technician from Carrier will be required to review the functioning of the chiller to make sure that 100% full load capacity is available for the summer season.

The vendor provided a signed report from Able Engineering dated October 25, 2013 which states: "The chilled water system at the above referenced project has been designed to meet the building peak loads when all the systems are operating as designed." The Able report also mentions that fact that a building automation system was installed by the Condominium Corporation for which the mechanical system was not originally designed. The report also states: "Able Engineering is confident that when the system is operating as designed, the chilled water system will provide adequate cooling for the building."

The vendor also provided a signed response to the Exp. report dated December 5, 2013 from Able Engineering. The Able report points out several areas of the Exp. report as incorrect such as the chiller in the building being 450 tons and identified as 400 tons in the Exp. report. The Able report also identifies differing temperature settings received from the owner than identified in the Exp. report. The Able report also addresses the fact that the setting for the control of the pump

was observed to be running at about 99% at the time of the conciliation with the outdoor temperature at approximately 0 degrees Celsius. The Able report identifies this setting as incorrect and that the expected flow at the time of the visit should be at the 25-30% range.

The owner did not identify the exact suites and areas of the building that had cooling issues and besides the temperature measurement provided above during hotter periods in summer, no detailed temperature measurements were provided in particular areas measured at particular points in time.

Tarion reviewed the above noted reports as well as the information from both parties and it is determined that the design and the actual installed equipment does not appear to be an issue with the cooling system, the main issue appears to be the adjustment of equipment to achieve optimal performance as required by the owner. It is also important to note that sustained high outdoor temperatures exert large loads on cooling equipment; indoor temperatures will rise until outdoor temperatures return to design levels. No detailed information was provided to show that the cooling system is not capable of maintaining indoor air temperature specified in the design for the geographic location of the building as per section 7.19 of the Common Element Construction Performance Guidelines.

The addition of the building automation system by the owner is also considered an addition to the system that can certainly have an affect on its performance depending on how it is operated. Page 11 of the Common Element Construction Performance Guidelines also identifies "Conditions Not Covered Under Warranty" one of these conditions is "Alterations, deletions, additions made by the owner". There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(53) Section 11 - Performance Audit Reference: 11.06 - Numerous common area are not self latching of slam. The builder is requested to provide the air balancing report for the building. Location: Common Area Doors

**Reason:**

The above described item was not observed at the time of the conciliation and the owner did not show that a defect exists. As for the air balancing report for the building, the vendor did provide it to Tarion at the time of the conciliation and the vendor also provided a signed affidavit dated November 27, 2013 from one of their employees which notes that all required documentation as per the "Condominium Act" was submitted to the owner's representatives in 2011. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(54)

**Section 11 - Performance Audit Reference:** 11.12 - Hot water temperature and pressure problems have reported. It has been reported that the City of Toronto has not provided sufficient water pressure to the building. The builder has upgrade the building pumps and other associated equipment. The backflow preventer ahs also been removed. Further review and monitory to the efficacy of these repairs is recommended. **Location:**  
**Domestic Hot Water**

**Reason:**

The owner provided a signed report from Dimax dated November 25, 2013. The report mainly describes the water temperature and pressure issues referring to "single lever valves used for showers" and associated problems with temperature fluctuations. The report also notes that the water supply in showers rapidly swings from hot to cold and that the problem existed since original occupancy. The Dimax report also refers to a report signed and provided by Clark Balancing Ltd., dated November 2013. The Clark report provides the water temperature and pressure measurements of different areas of the building, the report does not provide any recommendations however the Dimax report does refer to the Clark report and it provides an analysis and a commentary which states: "Based on the pressure survey produced by Clark Balancing, the overall domestic water supply system in the building is functional and there are no indications that it is the source of "hot/cold" problems in the building." The report also describes an approach to correcting the hot/cold problems: "Based on the information gathered and other observations, it is suggested that a suitable pressure-temperature balanced single lever supply be selected and tested in several suites where complaints have been lodged."

The owner also provided an Exp. report dated November 26, 2013. The report mainly states the type of equipment that is installed, the sizing of the pressure reducing valves is adequate for the demand required, further analysis and investigation will be required to calculate the required to booster pump flow rate is required to meet the peak demand. The Exp. report also identifies: "It is also noted that the faucets for the shower and tub combo does not have pressure balancing valves whereas in the mechanical specification it states that pressure balancing valves are required."

The vendor explained that there is an issue with the shower fixtures in several units that are causing the water temperature fluctuations and the they will be resolving this issue with individual homeowners who are experiencing these problems.

The vendor also provided a signed letter from Able Engineering dated October 25, 2013 that states: "When the building was designed, the incoming water pressure from the City was over 40 PSI. At the time of occupancy, the pressures had dropped to under 20 PSI at times. Due to the City of Toronto low water pressure issues in the City water mains, the declarant agreed as a courtesy to replace the domestic booster pump package with a larger variable speed pump to suit the new conditions."

The report also mentions: "The new pump is capable of maintain the minimum of 30 PSI at the mechanical penthouse which is sufficient pressure for the building, as the lowest pressure will be at the top of the building." The vendor also explained that the back-flow-preventers were removed when the City water pressure was dropped to help with the water pressure issues and then reinstalled when the new pump was installed.



The vendor provided a second signed letter from Able Engineering dated November 26, 2013 in response to the November 25, 2013 Dimax report. The Able Engineering letter mainly states that there is no system water pressure issue as the booster pump is providing 35 PSI at the mechanical penthouse, as per design. The report also states: "The majority of the complaints seem to stem from the "hot/cold" issue, which is separate from the building system pressure and is related to the shower valves installed."

The vendor also provided a signed Able Engineering report dated December 5, 2013, which responds to the Exp. report, noted above. The Able report agrees that the shower valves are not balanced and that the vendor has recognized this issue and has committed to rectify it. The Able report also identifies several areas of the Exp. report that it disagrees with such as the Exp. statement that three way valves cannot be installed in this system as well as the differing temperature settings for the chiller.

Tarion reviewed the above documents and it is determined that the problem relating to the water temperature fluctuations are the balancing valves in the shower fixtures which control the water temperature. All of the submitted reports also agree that this is a concern and the vendor has committed to resolving the issue. The shower valve and fixture issue is however not part of the common elements as it is within the unit boundaries as defined in "Schedule C - Boundaries of Units" of "The Declaration" submitted to Tarion.

Water pressure in the building depends on several different factors. Water supply from municipal water sources may vary with the supplied pressure and variations in pressure from municipal services can occur during peak usage times. The Ontario Building Code also requires flow control devices on faucets, showerheads and fixtures for water conservation purposes which can affect the water flow and pressure.

No clear deficiency relating to the water pressure was identified and the part of the complaint that refers to not enough water pressure being provided by the City of Toronto is beyond the control of the vendor. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(55)

Section 11 - Performance Audit Reference: 11.13 - It has been reported that debris has been flushed out the fancoil unit closed loop on numerous occasions by the builder. This type of build up may indicate that system was not flushed prior to initial start up. The builder is required to provide commissioning reports. Further investigation and monitoring is recommended to ensure the efficacy of the repairs. Location: Fan Coil unit distribution System

**Reason:**

Above described item and condition was not observed during the conciliation it also does identify an alleged defect it only states: "Further investigation and monitoring is recommended to ensure the efficiency of the repairs." Pertaining to the fan coil unit distribution system. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(61)

Section 11 - Performance Audit Reference: 11.20 - The drainage characteristics at the face of the overhang cause rain water an melting snow water to fall directly from the face onto the walkway below. This water is not being drained way from the building resulting is a hazard for residents. Location: Front Entrance Canopy Drainage

**Reason:**

It was reported that the entrance canopy does not provide proper drainage and that the water drains from the canopy onto the walkway entering the building.

The vendor explained that the water drains from the front entrance canopy through a vertical channel into the building drainage system.

Some rain was present at the time of the conciliation and it was observed that water was slowly dripping in front of the entrance however it was from the underside of a vertical mullion located well above the front entrance porch. It is unclear why the water was dripping from only one vertical mullion. No water was observed to be dripping from the entrance canopy and the alleged drainage issues with the entrance canopy were not observed. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(63)

Performance/Technical Audit Reference: 8.00 - Shower heads coming apart and falling down - There have been numerous complaints of showerheads falling down/coming out of the wall. The explanation told to me was that on the upper floors (above 19) there was a change in design and the showerheads moved higher on the wall. The wood brace in the wall (to attach the showerhead to) was not raised during construction. Hence, the showerheads could not be installed with proper anchors but instead were only affixed with some type of caulking, which is failing. This explanation seems a bit unlikely, as the showerheads in the 3rd floor change rooms have been failing. The quality of both the showerhead units themselves (particularly the hose) as well as the installation jobs seems to be very poor.

**Reason:**

The owner did not present the condition of the "Shower heads coming apart and falling down" at the time of the conciliation. No defects were presented or observed. Actual shower heads within the units are also considered a fixture and a unit issue that would not be covered by the common element warranty as it is within the unit boundaries as per "Schedule C - Boundaries of Units" of the "Declaration". There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(64)

Performance/Technical Audit Reference: 28.00 - Hot Water - Temperature problems continue to occur. Hot water can pour out of the cold water tap for several minutes before even starting to cool down.

**Reason:**

This item refers to water temperature problems which is considered to be the same issue as identified under performance audit reference 11.12 of this report therefore the assessment included below is the same.

The owner provided a signed report from Dimax dated November 25, 2013. The report mainly describes the water temperature and pressure issues referring to "single lever valves used for showers" and associated problems with temperature fluctuations. The report also notes that the water supply in showers rapidly swings from hot to cold and that the problem existed since original occupancy. The Dimax report also refers to a report signed and provided by Clark Balancing Ltd., dated November 2013. The Clark report provides the water temperature and pressure measurements of different areas of the building, the report does not provide any recommendations however the Dimax report does refer to the Clark report and it provides an analysis and a commentary which states: "Based on the pressure survey produced by Clark Balancing, the overall domestic water supply system in the building is functional and there are no indications that it is the source of "hot/cold" problems in the building." The report also describes an approach to correcting the hot/cold problems: "Based on the information gathered and other observations, it is suggested that a suitable pressure-temperature balanced single lever supply be selected and tested in several suites where complaints have been lodged."

The owner also provided an Exp. report dated November 26, 2013. The report mainly states the type of equipment that is installed, the sizing of the pressure reducing valves is adequate for the demand required, further analysis and investigation will be required to calculate the required to booster pump flow rate is required to meet the peak demand. The Exp. report also identifies: "It is also noted that the faucets for the shower and tub combo does not have pressure balancing valves whereas in the mechanical specification it states that pressure balancing valves are required."

The vendor explained that there is an issue with the shower fixtures in several units that are causing the water temperature fluctuations and the they will be resolving this issue with individual homeowners who are experiencing these problems.

The vendor also provided a signed letter from Able Engineering dated October 25, 2013 that states: "When the building was designed, the incoming water pressure from the City was over 40 PSI. At the time of occupancy, the pressures had dropped to under 20 PSI at times. Due to the City of Toronto low water pressure issues in the City water mains, the declarant agreed as a courtesy to replace the domestic booster pump package with a larger variable speed pump to suit the new conditions."

The report also mentions: "The new pump is capable of maintain the minimum of 30 PSI at the mechanical penthouse which is sufficient pressure for the building,

as the lowest pressure will be at the top of the building." The vendor also explained that the back-flow-preventers were removed when the City water pressure was dropped to help with the water pressure issues and then reinstalled when the new pump was installed.

The vendor provided a second signed letter from Able Engineering dated November 26, 2013 in response to the November 25, 2013 Dimax report. The Able Engineering letter mainly states that there is no system water pressure issue as the booster pump is providing 35 PSI at the mechanical penthouse, as per design. The report also states: "The majority of the complaints seem to stem from the "hot/cold" issue, which is separate from the building system pressure and is related to the shower valves installed."

The vendor also provided a signed Able Engineering report dated December 5, 2013, which responds to the Exp. report, noted above. The Able report agrees that the shower valves are not balanced and that the vendor has recognized this issue and has committed to rectify it. The Able report also identifies several areas of the Exp. report that it disagrees with such as the Exp. statement that three way valves cannot be installed in this system as well as the differing temperature settings for the chiller.

Tarion reviewed the above documents and it is determined that the problem relating to the water temperature fluctuations are the balancing valves in the shower fixtures which control the water temperature. All of the submitted reports also agree that this is a concern and the vendor has committed to resolving the issue. The shower valve and fixture issue is however not part of the common elements as it is within the unit boundaries as defined in "Schedule C - Boundaries of Units" of "The Declaration" submitted to Tarion.

Water pressure in the building depends on several different factors. Water supply from municipal water sources may vary with the supplied pressure and variations in pressure from municipal services can occur during peak usage times. The Ontario Building Code also requires flow control devices on faucets, showerheads and fixtures for water conservation purposes which can affect the water flow and pressure.

No clear deficiency relating to the water pressure was identified and the part of the complaint that refers to not enough water pressure being provided by the City of Toronto is beyond the control of the vendor. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(65) Performance/Technical Audit Reference: 29.00 - Water Pressure - Water pressure problems continue to occur, particularly on the upper levels of the building

**Reason:**

This item refers to water pressure problems which is considered to be the same issue as identified under performance audit reference 11.12 of this report therefore the assessment included below is the same.

The owner provided a signed report from Dimax dated November 25, 2013. The report mainly describes the water temperature and pressure issues referring to "single lever valves used for showers" and associated problems with temperature fluctuations. The report also notes that the water supply in showers rapidly swings from hot to cold and that the problem existed since original occupancy. The Dimax report also refers to a report signed and provided by Clark Balancing Ltd., dated November 2013. The Clark report provides the water temperature and pressure measurements of different areas of the building, the report does not provide any recommendations however the Dimax report does refer to the Clark report and it provides an analysis and a commentary which states: "Based on the pressure survey produced by Clark Balancing, the overall domestic water supply system in the building is functional and there are no indications that it is the source of "hot/cold" problems in the building." The report also describes an approach to correcting the hot/cold problems: "Based on the information gathered and other observations, it is suggested that a suitable pressure-temperature balanced single lever supply be selected and tested in several suites where complaints have been lodged."

The owner also provided an Exp. report dated November 26, 2013. The report mainly states the type of equipment that is installed, the sizing of the pressure reducing valves is adequate for the demand required, further analysis and investigation will be required to calculate the required booster pump flow rate is required to meet the peak demand. The Exp. report also identifies: "It is also noted that the faucets for the shower and tub combo does not have pressure balancing valves whereas in the mechanical specification it states that pressure balancing valves are required."

The vendor explained that there is an issue with the shower fixtures in several units that are causing the water temperature fluctuations and they will be resolving this issue with individual homeowners who are experiencing these problems.

The vendor also provided a signed letter from Able Engineering dated October 25, 2013 that states: "When the building was designed, the incoming water pressure from the City was over 40 PSI. At the time of occupancy, the pressures had dropped to under 20 PSI at times. Due to the City of Toronto low water pressure issues in the City water mains, the declarant agreed as a courtesy to replace the domestic booster pump package with a larger variable speed pump to suit the new conditions."

The report also mentions: "The new pump is capable of maintain the minimum of 30 PSI at the mechanical penthouse which is sufficient pressure for the building,

as the lowest pressure will be at the top of the building.” The vendor also explained that the back-flow-preventers were removed when the City water pressure was dropped to help with the water pressure issues and then reinstalled when the new pump was installed.

The vendor provided a second signed letter from Able Engineering dated November 26, 2013 in response to the November 25, 2013 Dimax report. The Able Engineering letter mainly states that there is no system water pressure issue as the booster pump is providing 35 PSI at the mechanical penthouse, as per design. The report also states: “The majority of the complaints seem to stem from the “hot/cold” issue, which is separate from the building system pressure and is related to the shower valves installed.”

The vendor also provided a signed Able Engineering report dated December 5, 2013, which responds to the Exp. report, noted above. The Able report agrees that the shower valves are not balanced and that the vendor has recognized this issue and has committed to rectify it. The Able report also identifies several areas of the Exp. report that it disagrees with such as the Exp. statement that three way valves cannot be installed in this system as well as the differing temperature settings for the chiller.

Tarion reviewed the above documents and it is determined that the problem relating to the water temperature fluctuations are the balancing valves in the shower fixtures which control the water temperature. All of the submitted reports also agree that this is a concern and the vendor has committed to resolving the issue. The shower valve and fixture issue is however not part of the common elements as it is within the unit boundaries as defined in “Schedule C - Boundaries of Units” of “The Declaration” submitted to Tarion.

Water pressure in the building depends on several different factors. Water supply from municipal water sources may vary with the supplied pressure and variations in pressure from municipal services can occur during peak usage times. The Ontario Building Code also requires flow control devices on faucets, showerheads and fixtures for water conservation purposes which can affect the water flow and pressure.

No clear deficiency relating to the water pressure was identified and the part of the complaint that refers to not enough water pressure being provided by the City of Toronto is beyond the control of the vendor. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(69)

Addendum No. 1 - 2nd Year Performance Audit Reference: 14.02 - There is evidence of leakage and excessive staining from the concrete block wall around the opening for the louvre. Location: Airshaft East side at P1 Parking Level

**Reason:**

The above-described area was inspected and no evidence of water penetration was observed. This item is considered resolved. There is no water penetration through the basement or foundation of the home that amounts to a breach of the Two Year Water Penetration Warranty – Basement.

— (70)  
—

Addendum No. 1 -2nd year Performance Audit Reference: 14.09 - There is an open pipe floor drain at this location. There is a constant high level of water in the drain. Further investigation is required  
Location: P6 Electrical Room

**Reason:**

The vendor explained that at the time of construction before the sump pumps were operational a drain was added as instructed by the Geotechnical Engineer and that the drain pipe terminates inside the air shaft.

It was observed that there is some water in the drain and that it is below the top of the concrete slab. No signs of water overflow were observed and the area around the drain was observed to be dry with no water stains observed. It is unclear what the current function of this drain is however no defect was observed or presented by the owner. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(72)

Addendum No. 1 - 2nd year Performance Audit Reference: 14.12 - Pressure gauges should be installed just past the valves in order to monitor water pressure. It has been recommended that 8 valves be installed. This has been recommended for monitoring of the ongoing water pressure problems. Numerous repairs and upgrades have been done in order to improve domestic pressure problems. Further investigation is recommended. Location: PRV Valve Gauges



**Reason:**

This item refers to water pressure problems which is considered to be the same issue as identified under performance audit reference 11.12 of this report therefore the assessment included below is the same.

The owner provided a signed report from Dimax dated November 25, 2013. The report mainly describes the water temperature and pressure issues referring to "single lever valves used for showers" and associated problems with temperature fluctuations. The report also notes that the water supply in showers rapidly swings from hot to cold and that the problem existed since original occupancy. The Dimax report also refers to a report signed and provided by Clark Balancing Ltd., dated November 2013. The Clark report provides the water temperature and pressure measurements of different areas of the building, the report does not provide any recommendations however the Dimax report does refer to the Clark report and it provides an analysis and a commentary which states: "Based on the pressure survey produced by Clark Balancing, the overall domestic water supply system in the building is functional and there are no indications that it is the source of "hot/cold" problems in the building." The report also describes an approach to correcting the hot/cold problems; "Based on the information gathered and other observations, it is suggested that a suitable pressure-temperature balanced single lever supply be selected and tested in several suites where complaints have been lodged."

The owner also provided an Exp. report dated November 26, 2013. The report mainly states the type of equipment that is installed, the sizing of the pressure reducing valves is adequate for the demand required, further analysis and investigation will be required to calculate the required booster pump flow rate is required to meet the peak demand. The Exp. report also identifies: "It is also noted that the faucets for the shower and tub combo does not have pressure balancing valves whereas in the mechanical specification it states that pressure balancing valves are required."

The vendor explained that there is an issue with the shower fixtures in several units that are causing the water temperature fluctuations and they will be resolving this issue with individual homeowners who are experiencing these problems.

The vendor also provided a signed letter from Able Engineering dated October 25, 2013 that states: "When the building was designed, the incoming water pressure from the City was over 40 PSI. At the time of occupancy, the pressures had dropped to under 20 PSI at times. Due to the City of Toronto low water pressure issues in the City water mains, the declarant agreed as a courtesy to replace the domestic booster pump package with a larger variable speed pump to suit the new conditions."

The report also mentions: "The new pump is capable of maintain the minimum of 30 PSI at the mechanical penthouse which is sufficient pressure for the building,

as the lowest pressure will be at the top of the building.” The vendor also explained that the back-flow-preventers were removed when the City water pressure was dropped to help with the water pressure issues and then reinstalled when the new pump was installed.

The vendor provided a second signed letter from Able Engineering dated November 26, 2013 in response to the November 25, 2013 Dimax report. The Able Engineering letter mainly states that there is no system water pressure issue as the booster pump is providing 35 PSI at the mechanical penthouse, as per design. The report also states: “The majority of the complaints seem to stem from the “hot/cold” issue, which is separate from the building system pressure and is related to the shower valves installed.”

The vendor also provided a signed Able Engineering report dated December 5, 2013, which responds to the Exp. report, noted above. The Able report agrees that the shower valves are not balanced and that the vendor has recognized this issue and has committed to rectify it. The Able report also identifies several areas of the Exp. report that it disagrees with such as the Exp. statement that three way valves cannot be installed in this system as well as the differing temperature settings for the chiller.

Tarion reviewed the above documents and it is determined that the problem relating to the water temperature fluctuations are the balancing valves in the shower fixtures which control the water temperature. All of the submitted reports also agree that this is a concern and the vendor has committed to resolving the issue. The shower valve and fixture issue is however not part of the common elements as it is within the unit boundaries as defined in “Schedule C - Boundaries of Units” of “The Declaration” submitted to Tarion.

Water pressure in the building depends on several different factors. Water supply from municipal water sources may vary with the supplied pressure and variations in pressure from municipal services can occur during peak usage times. The Ontario Building Code also requires flow control devices on faucets, showerheads and fixtures for water conservation purposes which can affect the water flow and pressure.

No clear deficiency relating to the water pressure was identified and the part of the complaint that refers to not enough water pressure being provided by the City of Toronto is beyond the control of the vendor. The part of the complaint that refers to a recommendation of 8 valves being installed for monitoring the water pressure problems is unclear and it does not identify a defect it is defined as a recommendation. There is no defect in a delivery and distribution system in the home that amounts to a breach of the Two Year Distribution System Warranty.

(73)

Elevator Deficiencies: 1. The levelling accuracy on Cars 2 and 3 should be improved to reflect the value stated in the performance table. Refer to the “Performance Data” for the suggested value.

**Reason:**

The original complaint identified cars 2 and 3 as having leveling issues. The owner confirmed that cars 2 and 3 have been repaired and now there is a leveling issue with car 1 that according to the owner may have been caused by the repairs of cars 2 and 3. No information was provided to show that repairs to cars 2 and 3 have caused a leveling issue with car 1.

The defects identified in the original complaint are considered resolved. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(80)

Elevator Deficiencies: 8. The door open time on Cars 1 and 4 should be improved to reflect the value stated in the performance table. Refer to the "Performance Data" for the suggested value.

**Reason:**

It was reported that the door open time on cars 1 and 4 should be improved to reflect the suggested value stated in the performance table.

The vendor provided a signed report from the original elevator consultant responsible for the design of the elevators KJA consultants Inc. dated December 3, 2013. The report describes: "The specifications do not list a value for the door open and door close times as these times are built into the specified operating times."

No code violation or defect was presented to show that the elevator door operation does not meet the "Acceptable Performance/Condition" as per section 6.2 of the Common Element Construction Performance Guidelines. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty. The workmanship meets the standards required by the Construction Performance Guidelines, which are available online at [www.tarion.com](http://www.tarion.com).

(81)

Elevator Deficiencies: 9. The door close time on Car 1 can be improved to reflect the value stated in the performance table. Refer to the "Performance Data" for the suggested value.

**Reason:**

It was reported that the door close time on car 1 can be improved to reflect the value stated in the performance table.

The vendor provided a signed report from the original elevator consultant responsible for the design of the elevators KJA consultants Inc. dated December 3, 2013. The report describes: "The specifications do not list a value for the door open and door close times as these times are built into the specified operating times."

No code violation or defect was presented to show that the elevator door operation does not meet the "Acceptable Performance/Condition" as per section 6.2 of the Common Element Construction Performance Guidelines. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty. The workmanship meets the standards required by the Construction Performance Guidelines, which are available online at [www.tarion.com](http://www.tarion.com).

(82)

Elevator Deficiencies: 10. The car call dwell time should be improved on Cars 3 and 4 so that they are consistent. Refer to the "Performance Data" for the suggested value.

**Reason:**

It was reported that the car call dwell time should be improved on cars 3 and 4 so that they are consistent. Refer to the "Performance Data" for the suggested value.

The vendor explained that these times could be adjusted to whatever is required. The vendor provided a signed report from the original elevator consultant responsible for the design of the elevators KJA consultants Inc. dated December 3, 2013. The report describes: "The specifications do not list a specified car call dwell time value."

No code violation or defect was presented at the time of the conciliation pertaining to the car call dwell time. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(85)

Elevator Deficiencies: 13. The ride profiles consist of jerk, acceleration, horizontal and vertical vibrations. Some of these values should be adjusted on Cars 1 and 4. The ride quality should be improved in all axis especially the vertical axis on Car 4. Refer to the "Ride Analysis" portion of our report for more details.

**Reason:**

It was reported that the ride quality on cars 1 and 4 should be adjusted.

Both elevators 1 and 4 were used on several occasions during the conciliation. The ride in both of the elevator cars is considered to be normal, no major jerks, acceleration, horizontal and vertical vibrations were observed. The elevator ride in both cars 1 and 4 is considered typical and no defects were observed or presented during the conciliation. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(86)

Elevator Deficiencies: 14. The electrical schematics should be properly hung and laminated. Also, an "as built" copy should be provided to the Owner for safekeeping.

**Reason:**

It was reported that the electrical schematics should be hung and laminated and that an as-built copy should be provided to the owner.

The vendor explained that all of the required documentation including the elevator information was provided to the owner, and that above was previously inspected and approved by the TSSA as required.

The elevator schematics were found in the elevator machine room, the schematics were found in a binder readily visible under plastic cover pages, the information was not hung as per the complaint.

The Common Element Construction Performance Guidelines section 6.11 addresses the above concern and the required documentation does meet the requirement, as it was included in a binder with a plasticized cover. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty. The workmanship meets the standards required by the Construction Performance Guidelines, which are available online at [www.tarion.com](http://www.tarion.com).

(88)

Elevator Deficiencies: 16. Portions of wire trough covers in the controller on all cars are missing. The wire trough covers should be properly installed.

**Reason:**

It was observed during the conciliation that various wire covers for the elevator machine room controllers for all four elevators are missing. The wire covers are used to protect the wires for the elevator controllers however the requirement for the cover installation is unclear and their installation does not have an effect on the elevator performance. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

(91)

Elevator Deficiencies: 19. The voice annunciator is not working and should be repaired.

**Reason:**

It is unclear if the voice annunciator functions in any of the elevators, the condition and the requirement of the voice annunciator was not presented by the owner at the time of the conciliation. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

— (93)

Elevator Deficiencies: 21. The hoise ropes on Cars 1, 2 and 4 makes a large amount of rouged rope debris. The rope debris is covered in machines, bedplates and machine room floor. The ropes should be lubricated and monitored.

**Reason:**

The vendor previously replaced the elevator ropes for all of the elevators, the work was done after the first year performance audit was submitted and therefore the original condition of the elevator machine rooms and elevator equipment is unknown.

The elevator machine rooms and the elevator equipment was inspected and it was observed that some dust was present in both elevator machine rooms mostly on top of the equipment and less so on the floors. The amount of dust is considered normal and is also considered to be an issue that should be cleaned as a part of the regularly scheduled maintenance program.

Other new items were brought up by the owner that according to their consultant were caused as a result of the vendor's rope replacement. The items mostly refer to adjustment to elevator equipment and are considered new items not reported during the applicable warranty period and could also be considered as a part of normal maintenance of equipment. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

— (96)

Elevator Deficiencies: 24. The upward and downward car lanterns on the right hand side for Car 3 are not working. The light bulbs should be repaired.

**Reason:**

The above-described item was inspected during the conciliation and it was observed that the right hand side upward and downward car lanterns in elevator car 3 are not functional.

This item represents a defect that requires to be repaired. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

— (98)

Elevator Deficiencies: 26. The drive fault light on the drive unit in the controller on Car 2 is flashing. The error code should be investigated and reset.

**Reason:**

The error code referred to above was observed in the elevator machine room for elevator car 2.

Due to several elevator repairs and maintenance it is unclear if this issue was ever repaired and then reappeared and it is also unclear why the fault light is present. The exact deficiency that is causing the fault light to flash was not presented by the owner. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (100) Elevator Deficiencies: 28. A small amount of oil is leaking from the deflector sheave on the car top for Car 4. The sheave should be monitored.

**Reason:**

The owner did not present the above condition during the conciliation. No defect was observed or presented. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (101) Elevator Maintenance Related Deficiencies: 29. The monthly mandated maintenance required under the CAN/CSA B44.2-07 code was missed in January and April 2011 on Cars 1 and 2 and in November 2010 for Cars 2, 3 and 4. The contractor should ensure that the monthly maintenance is not being missed.

**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list. The owner also withdrew it at the conciliation. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (102) Elevator Maintenance Related Deficiencies: 30. The annual door test for Cars 1 and 2 has not been performed. The contractor should endeavour to maintain the elevators in accordance with CSA B44.2-07 as required by code.

**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list. This item was also confirmed resolved by the owner at the time of the conciliation. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (103) Elevator Maintenance Related Deficiencies: 31. The machines and machine bedplate for Cars 1, 2 and 4 are dusty and covered in rope debris. The machines should be cleaned.

**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list.

The vendor previously replaced the ropes for all the elevators, the work was done after the first year performance audit was submitted and therefore the original condition of the elevator machine rooms and elevator equipment is unknown.

The elevator machine rooms and the elevator equipment was inspected and it was observed that some dust was present in both elevator machine rooms mostly on top of the equipment and less so on the floors. The amount of dust is considered normal and is also considered to be an issue that should be cleaned as a part of the regularly scheduled maintenance program. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (104) Elevator Maintenance Related Deficiencies: 32. The door operator chains at cars are dusty and fluffy. The contractor should thoroughly clean and lubricate the door operator chains.

**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list.

The owner at the conciliation did not present the above condition and the alleged deficiency was not observed. It was also reported as a maintenance related deficiency that can be considered as a part of a regularly scheduled maintenance program. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (105) Elevator Maintenance Related Deficiencies: 33. The pits for all cars are slightly dusty and dirty and the contractor has not painted the pit floors for all cars. The contractor should thoroughly clean and fully paint the pit floors for all elevators.

**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list.

The owner at the conciliation did not present the above condition and the alleged deficiency was not observed. It was also reported as a maintenance related deficiency that can be considered as a part of a regularly scheduled maintenance program. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (106) Elevator Maintenance Related Deficiencies: 34. The machine room floor is covered in rope debris and should be cleaned on a regular basis.



**Reason:**

This item was identified as a "Maintenance related deficiency" in the first year performance audit elevator deficiency list.

The vendor previously replaced the ropes for all of the elevators, the work was done after the first year performance audit was submitted and therefore the original condition of the elevator machine rooms and elevator equipment is not visible.

The elevator machine rooms and the elevator equipment was inspected and it was observed that some dust was present in both elevator machine rooms mostly on top of the equipment and less so on the floors. The amount of dust is considered normal and is also considered to be an issue that should be cleaned as a part of the regularly scheduled maintenance program. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

- (110) Elevator Maintenance - Other Trades Related Deficiencies: 38. The pit on Cars 3 and 4 is rusty. The pit and pit equipment are deteriorating and should be sanded and painted to prevent further damage from occurring.

**Reason:**

This item was identified in the first year performance audit elevator report as a "Other trades related deficiencies"

The owner did not present the item described above at the time of the conciliation and no defect was observed. There is no defect in workmanship that amounts to a breach of the One Year Workmanship Warranty.

Withdrawn

The following item(s) were withdrawn and have not been assessed:

- (1) Section 1. Roof - Performance Audit Reference: 1.15 - Exp observed exposed filter fabric and rigid insulation due to displaced roof ballast surrounding a total of four (4) davit arms bases on the North end of the roof area. Approximate size of affected roof assembly is eight (8) square feet. Location: Lower Mechanical Penthouse Roof at East Davit Arm Bases

**Reason:** A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).

- (2) Section 1. Roof - Performance Audit Reference: 1.16 - Roof drains do not contain metal ballast guard, contrary to good roofing practices. Typically roof drains on inverted roof systems area surrounded with small metal ballast guards to prevent fine ballast pieces from entering the drain pipe. Location: Lower Mechanical Penthouse Roof at Roof Drains
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).
- (6) Section 2. Exterior Cladding, Windows and Balconies - Performance Audit Reference: 2.04 - The underside of the window wall head flashings are not continuously sealed. Location: Window Walls
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).
- (7) Section 2. Exterior Cladding, Windows and Balconies - South Elevation - Performance Audit Reference: 2.20 - The underside of the window wall head flashings are not continuously sealed. Location: Window Wall at the Townhouses
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).
- (13) Section 2. Exterior Cladding, Windows and Balconies - West Elevation - Performance Audit Reference: 2.35 - The drip check provided in the concrete cap is not continuous around the entire cap. Location: Ground Floor North Corner Brick Masonry
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).
- (20) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation - Performance Audit Reference: 2.88 - There is no provision for drainage at the base of the EIFS cladding. Location: EIFS cladding at the balcony at suite 4005
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).
- (21) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation - Performance Audit Reference: 2.94 - There is no provision for drainage at the base of the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3901
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).

- (22) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.102 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3702  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (23) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.104 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3606  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (24) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.105 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3605  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (25) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.106 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3501  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (26) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.108 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3308  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (27) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.111 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3302  
**Reason: A warranty assessment was not made because the owner advised that the  
item(s) was withdrawn. No further action by the vendor is required for this  
item(s).**
- (28) Section 2, Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.112 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 3203

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (29) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.114 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 2703

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (31) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.120 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 2402

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (32) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.122 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the south balcony at suite 2107

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (34) Section 2. Exterior Cladding, Windows and Balconies - Roof - East Elevation -  
Performance Audit Reference: 2.132 - There is no provision for drainage at the base of  
the EIFS cladding. Location: EIFS cladding at the balcony suite 1203

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (51) Section 10. Roof Anchors - Performance Audit Reference: 10.04 - Some of the davit  
bases are partially covered by gravel. The drawings are required to review any specified  
distance above the slab that may be shown. Location: Davit Bases

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (56) Section 11 - Performance Audit Reference: 11.15 - The old trees in front of the building  
were left to us in very poor condition (severely impacted by the building of the condo).  
Location: The Board has reported the following Common Area Landscaping  
Deficiencies

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (57) Section 11 - Performance Audit Reference: 11.16 - The trees along the boulevard are doing very poorly and split and cracked over the last year (having no protection placed around their trunks as should have been done). Location: The Board has reported the following Common Area Landscaping Deficiencies
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (58) Section 11 - Performance Audit Reference: 11.17 - The trees along the golf green have faired poorly. They are a cheap , poor quality plants that are generally expected will end up dying. Location: The Board has reported the following Common Area Landscaping Deficiencies
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (59) Section 11 - Performance Audit Reference: 11.18 - Many of the plants in the recent landscaping(this late summer ) were of poor choice for the conditions. The planting was also done during a heat wave. As such many plants have faired poorly. Location: The Board has reported the following Common Area Landscaping Deficiencies
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (60) Section 11 - Performance Audit Reference: 11.19 - It has been reported that the hose have not been properly secured to the drain pipe at the back of the washing machines within units. As a result the hoses have become dislodged from the drain pipe and have caused leakage with resultant damage to other units and the common elements. Location: In suite washing machine installation
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (62) Section 11 - Performance Audit Reference: 11.22 - Un restricted access into the building from Stairwell B a the P1 level is possible. This is a security concern. Location: Uncontrolled Access into the building form The P1 Level
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (67) Performance/Technical Audit Reference: 31.00 - Washing machine leakage - The washing machines were installed without the outlet hose being properly secured in place. These should be checked as, over time, the water pressure can push the hose out from the drainage outlet, leaving water to drain onto the floor in the unit.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (68) Addendum No. 1 - 2nd Year Performance Audit Reference: 14.01 - PVC Piping installed at the sump pumps has cracked under pressure in both the storm and sanitary sump pump pits. The pipe transition from 3" pipe to 2" pipe. The cracks occur at the 2" portion of the piping. Numerous repairs have been attempted by the builder but the problem continues. Further Investigation is Required. Location: Sump Pump Distribution System

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (71) Addendum No. 1 - 2nd year Performance Audit Reference: 14.10 - Odors in the management office, the guest suites and the adjoin coridor have been reported to be coming from an interior vent  
Location: Main floor Garbage Room Odors

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (74) Elevator Deficiencies: 2. The gap between the car door and the return for Cars 1 and 3 is large. The doors should be adjusted to reduce the gap and prevent passenger injury.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (75) Elevator Deficiencies: 3. The F2 fuse in the dispatcher for Cars 1 and 2 is overrated at 2 Amps instead of 1 Amp. The proper rated fuse should be installed to prevent printed circuit board damage.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (76) Elevator Deficiencies: 4. The operating speed up on all cars should be slightly improved to reflect the value stated in the performance table. Refer to the "Performance Data" for the suggested value.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (77) Elevator Deficiencies: 5. The operating speed down on all cars should be slightly improved to reflect the value stated in the performance table. Refer to the "Performance Data" for the suggested value.

- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (84) Elevator Deficiencies: 12. The door operating noise is greater than the suggested noise value on Car 1. The car and hall doors should also be adjusted so that the scraping noises are eliminated.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (89) Elevator Deficiencies: 17. The junction box cover of the shackle springs in the machine room for Car 2 is missing. The cover should be installed to prevent accumulation of dust.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (92) Elevator Deficiencies: 20. The machine on Car 1 makes a knocking noise when operating. The machine should be reviewed and noise eliminated.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (94) Elevator Deficiencies: 22. The counterweight on Car 2 is noisy. the counterweight frame, weight, deflector sheave and roller guides should be checked and adjusted.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (95) Elevator Deficiencies: 23. The gong on Car 3 is not working and should be repaired.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (97) Elevator Deficiencies: 25. The loose yellow wire by the TS4A board and white one by the EZ-Scan unit in the controller Cars 1 and 2 should be terminated.
- Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**
- (99) Elevator Deficiencies: 27. The drive unit cover Car 4 has been removed and relay board panel on Car 3 is loose. The cover should be replaced and panel fastened.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (107) Elevator Maintenance Related Deficiencies: 35. The controllers for all cars are dusty at the bottom. The construction debris should be removed.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (108) Elevator Maintenance Related Deficiencies: 36. The loose parts and cardboard in the machine room for Cars 3 and 4 should be stored in the part cabinet or removed.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (109) Elevator Maintenance - Other Trades Related Deficiencies: 37. Director's Order 239/10 "Annual Testing of Firefighters" Emergency Operation" requires that the elevators are tested on an annual basis to ensure the elevators are operational and ready for use by emergency personnel. The list of tests in the order should be performed, documented and made available to elevator personnel for review. We did not locate a copy of the document during our inspection. While this may have been performed, the Owner should confirm that the test has been completed.

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (66A) Performance/Technical Audit Reference: 30.00 - Landscaping - There are numerous deficiencies with the landscaping around the building. Problems of particular note: The old trees in front of the building were left in very poor condition (severely impacted by the building of the condo). Location: Landscaping

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (66B) Performance/Technical Audit Reference: 30.00 - Landscaping - There are numerous deficiencies with the landscaping around the building. Problems of particular note: The tree along the boulevard are doing very poorly and split and cracked over the last year (having no protection placed around their trunks as should have been done).

**Reason: A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).**

- (66C) Performance/Technical Audit Reference: 30.00 - Landscaping - There are numerous deficiencies with the landscaping around the building. Problems of particular note: The trees around the golf green have faired poorly. They are a cheap, poor quality plants that are generally expected will end up dying.



**Reason:** A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).

(66D)

Performance/Technical Audit Reference: 30.00 - Landscaping - There are numerous deficiencies with the landscaping around the building. Problems of particular note: Many of the plants in the recent landscaping (this late summer) were of poor choice for the conditions. The planting was also done during a heat wave. As such, many plants have failed poorly.

**Reason:** A warranty assessment was not made because the owner advised that the item(s) was withdrawn. No further action by the vendor is required for this item(s).

## APPENDIX "A"

### WARRANTIES UNDER THE ONTARIO NEW HOME WARRANTIES PLAN ACT - DEFINITIONS & DESCRIPTIONS

Note: These are simplified descriptions provided for ease of understanding. The full definitions/descriptions are found in the references in brackets. The warranties and limits on warranties are also described in the *Homeowner Information Package* and on [www.tarion.com](http://www.tarion.com).

#### The Pre-Completion Warranties

##### *Deposit Protection*

- A home buyer who has entered into a contract to purchase a home from a vendor is entitled to reimbursement of a deposit paid to the vendor which is to be credited to the purchase price under the contract on closing if
    - the person has exercised a statutory right to rescind the contract before closing; or
    - the person has a cause of action against the vendor resulting from the fact that title to the home has not been transferred to the person because,
      - > the vendor has gone into bankruptcy, or
      - > the vendor has fundamentally breached the contract
- [s.14(1) of the *Ontario New Home Warranties Plan Act* (the "Act").]

##### *Financial Loss for Contract Homes*

- An owner of land who has entered into a contract with the builder for the construction of a home on the land and who has a cause of action against the builder for damages resulting from the builder's failure to substantially perform the contract is entitled to receive reimbursement for shortfall, if any, between the amount paid by the owner to the builder under the contract and the value of work and materials supplied by the builder [s. 14(2) of the Act].

#### The Delayed Closing/Occupancy Warranties

##### *Delayed Closing or Delayed Occupancy Compensation Warranty*

- If the closing of the sale of your home or the occupancy date of the condominium is delayed beyond the permitted delays in the legislation, then delayed closing or occupancy compensation may be payable [Reg. 165 under the Act].

#### The One Year Warranty

##### *Workmanship*

- Every vendor of a home warrants for one year after the date of possession that the home is constructed in a workmanlike manner [s.13(1)(a)(i) of the Act].

##### *Materials*

- Every vendor of a home warrants for one year after the date of possession that the home is free from defects in materials [s.13(1)(a)(i) of the Act].

##### *Fit for Habitation*

- Every vendor of a home warrants for one year after the date of possession that the home is fit for habitation [s.13(1)(a)(ii) of the Act].

##### *Building Code*

- Every vendor of a home warrants for one year after the date of possession that the home is constructed in accordance with the *Ontario Building Code* [s.13(1)(a)(iii) of the Act].

##### *Major Structural Defect*

- Every vendor of a home warrants to the owner for one year after the date of possession that the home is free of major structural defects as defined in the legislation [s.13(1)(b) of the Act].

**The Two Year Warranty**

*Water Penetration -  
Basement / Foundation*

- Every vendor of a home warrants for two years after the date of possession that there will be no water penetration through the basement or foundation of the home [s.14 of Reg. 892 under the Act].

*Water Penetration -  
Building Envelope*

- Every vendor of a home warrants for two years after the date of possession that the home is constructed in a workmanlike manner and is free from defects in materials including windows, doors, and caulking such that the building envelope of the home prevents water penetration [s.15(2)(a) of Reg. 892 under the Act].

*Distribution System*

- Every vendor of a home warrants for two years after the date of possession that the electrical, plumbing and heating delivery and distribution systems are free from defects in materials and work. "Delivery and distribution systems" includes "all wires, conduits, pipes, junctions, switches, receptacles and seals, but does not include appliances, fittings and fixtures" [s.15(2)(b) and s.15(1) of Reg. 892 under the Act].

*Cladding*

- Every vendor of a home warrants for two years after the date of possession that all exterior cladding of the home is free from defects in material and work resulting in detachment, displacement or physical deterioration [s.15(2)(c) of Reg. 892 under the Act].

*Building Code - Health &  
Safety*

- Every vendor of a home warrants for two years after the date of possession that the home is free from violations of the *Ontario Building Code* regulations under which the building permit was issued affecting health and safety, including but not limited to fire safety, insulation, air and vapour barriers, ventilation, heating and structural adequacy [s.15(2)(d) of Reg. 892 under the Act].

*Major Structural Defect*

- Every vendor of a home warrants for two years after the date of possession that the home is free of major structural defects [s.15(2)(e) of Reg. 892 under the Act].

**The Seven Year Warranty**

*Major Structural Defect*

- Every vendor of a home warrants for seven years after the date of possession that the home is free of major structural defects [s.16 of Reg. 892 under the Act].

**Unauthorized Substitutions**

*Selected Items*

- Every vendor of a home warrants that the vendor shall make no substitutions in those items of construction or finishing for which the purchaser is entitled to make a selection pursuant to the purchase agreement without the written consent of the purchaser [s.18 (1) of Reg. 892 under the Act].

*Specified Items*

- Every vendor of a home warrants that, where the vendor makes a substitution with respect to an item that is referred to in the purchase agreement that is not an item that is to be selected by the purchaser, the item will be of equal or better quality than the item referred to in the purchase agreement [s.19 of Reg. 892 under the Act].

**Exclusions from Warranty**

*Specific Warranty  
Exclusions*

- The conditions and items that are not covered by the warranties are set out in the legislation [s.13(2) of the Act] and in the *Homeowner Information Package*.