Court File No. CV-22-00683263-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

CITY OF TORONTO and
WILLIAM JOHNSTON, CHIEF BUILDING OFFICIAL
FOR CITY OF TORONTO

Applicants

-and-

TORONTO COMMUNITY HOUSING CORPORATION

Respondent

APPLICATION RECORD

June 30, 2022

CITY SOLICITOR'S OFFICE
26th Floor, Metro Hall, Stn. 1260
55 John Street
Toronto, ON M5V 3C6

Naomi Brown
LSO37755B
Tel: (416) 392 - 0121
Email: Naomi.Brown@toronto.ca

Jared Wehrle
LSO68942I
Tel: (416) 338 - 5863
Email: Jared.Wehrle@toronto.ca

Lawyers for the Applicants

TO: **TORONTO COMMUNITY HOUSING CORPORATION**
931 Yonge Street
Toronto, ON M4W 2H2

Alana Abells
LSO55736B
Tel: (416) 981 - 6156
Email: alana.abells@torontohousing.ca

Katie Douglas
LSO70872L
Tel: (416) 981 - 4208
Email: katie.douglas@torontohousing.ca

Lawyers for the Respondent

TAB 1

Electronically issued / Délivré par voie électronique : 27-Jun-2022
Toronto Superior Court of Justice / Cour supérieure de justice

Court File No./N° du dossier du greffe : CV-22-00683263-0000

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ONTARIO
SUPERIOR COURT OF JUSTICE

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WILLIAM JOHNSTON, CHIEF BUILDING OFFICIAL
FOR CITY OF TORONTO

Applicants

-and-

TORONTO COMMUNITY HOUSING CORPORATION

Respondent

APPLICATION UNDER sections 15.10 and 38 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants appears on the following pages.

THIS APPLICATION will come on for a hearing before a Judge on _____, at 10:00 a.m., at 393 University Avenue, Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES

ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

DATED: June , 2022

.....
Local Registrar
393 University Avenue
10th Floor
Toronto, Ontario
M5G 1T3

TO: **TORONTO COMMUNITY HOUSING CORPORATION**
931 Yonge Street
Toronto, ON M4W 2H2

Alana Abells
LSO55736B
Tel: (416) 981 - 6156
Email: alana.abells@torontohousing.ca

Katie Douglas
LSO70872L
Tel: (416) 981 - 4208
Email: katie.douglas@torontohousing.ca

Lawyers for the Respondent

APPLICATION

1. THE APPLICANTS MAKE AN APPLICATION FOR:

(a) an Order confirming the emergency Order made by Kamal Gogna, the Deputy Chief Building Official for the City of Toronto, on June 12, 2022 pursuant to subsection 15.10(1) of the *Building Code Act, 1992* (the "Emergency Order") prohibiting occupancy of all 154 townhouse units which comprise the community housing complex known as Swansea Mews located at the property known municipally as 21 Windermere Avenue in the City of Toronto (the "Property") which is owned and operated by the Respondent Toronto Community Housing Corporation ("TCHC");

(b) an Order directing that the Property shall not be occupied unless and until such time as the Emergency Order is lifted by the Applicants;

(c) an Order directing TCHC to comply with the Emergency Order by immediately vacating all remaining tenants from the Property and by no later than two days from the date of the Judgment issued in this application;

(d) in the event that TCHC should fail to comply with subparagraph (c) above, an Order directing that the Sheriff of Toronto and the Toronto Police Service are authorized to assist the Applicants and their servants, employees, contractors and agents in removing any remaining tenants from the buildings at the Property and directing that the Sheriff of Toronto and the Toronto Police Service are authorized to enter onto the Property and into the buildings on the Property as necessary for this purpose;

(e) an Order permitting the Applicants to register this Order against the title to the Property;

(f) an Order declaring that the confirmation of the Emergency Order prohibiting occupancy does not operate to terminate any tenancies with respect to the Property and has no bearing on the landlord and tenant relationship that exists between the Respondent and its tenants at the Property under the *Residential Tenancies Act, 2006*, and that the buildings on the Property may be re-occupied by the tenants once it has been deemed safe to do so by the Chief Building Official and the Emergency Order has been lifted;

(g) an Order directing the Respondent to post a copy of the judgment issued in this application on the buildings at the Property; and

(h) such further and other relief as counsel may advise and this Honourable Court may permit.

2. THE GROUNDS FOR THE APPLICATION ARE:

(a) The purposes of the *Building Code Act, 1992* ("BCA") and the Ontario Building Code include ensuring that buildings are structurally safe and suitable for occupancy. The Applicant William Johnston, Chief Building Official for the City of Toronto, is responsible for the enforcement of the BCA in Toronto;

(b) TCHC owns, operates and is the landlord of many social housing units across the City of Toronto. TCHC is a separate legal entity from the Applicant City of Toronto (the "City");

(c) TCHC is the registered owner of the Property which is located in the neighbourhood known as Swansea in the City of Toronto and which contains a

complex of nine (9) community housing townhouse structures, designated as Blocks A to Block I, and which are collectively known as Swansea Mews (the "Unsafe Buildings");

(d) A section of a concrete ceiling panel above the second floor bedroom of townhouse unit #19 of Block H collapsed without warning on May 27, 2022 resulting in injuries to a tenant of said unit;

(e) Upon becoming aware of the aforementioned incident, the Applicants issued an Order to Remedy Unsafe Building pursuant to section 15.9 of the BCA to TCHC on May 27, 2022. That Order required, *inter alia,* that a preliminary report by a professional engineer be delivered to the Applicants assessing the cause of the failure and the structural stability of the buildings at the Property and prescribing the required remedial measures to be taken;

(f) TCHC immediately retained third-party engineering consultants to assess the damage to the Unsafe Buildings and respond to the Order to Remedy Unsafe Building. The Applicants received information and reports from these engineers on and leading up to June 12, 2022;

(g) After undertaking destructive testing throughout the Unsafe Buildings, TCHC's engineers provided reports to the City on June 12, 2022 concluding that concrete panel collapse was not an isolated incident, that all the concrete ceiling panels throughout the Swansea Mews complex are at risk for collapse, and that the buildings at the Property are therefore at risk of imminent structural failure and are thus uninhabitable and must be vacated immediately;

(h) Given the immediate danger to the occupants of the Swansea Mews complex and in reliance upon the reports of said engineering professionals, Toronto Building

issued the Emergency Order dated June 12, 2022 prohibiting occupancy of the buildings at the Property pursuant to section 15.10 of the BCA and requiring TCHC to provide a copy of the Emergency Order to every tenant of the Swansea Mews complex (the Emergency Order was indeed served on all the tenants on the morning of June 13, 2022, and the engineer's reports dated June 12th were appended to the Emergency Order; the Emergency Order was also posted on site in several locations on the Property);

(i) In addition to the issuance of the Emergency Order, Toronto Building issued a further Order to Remedy Unsafe Condition to TCHC dated June 12, 2022 which required TCHC to, *inter alia,* provide an engineer's report by June 17, 2022 setting out the repair methodology for alleviating the unsafe condition, clearly identifying the specific work that must be completed in order to allow for safe re-occupancy of the units, and providing the time frames for same, and it required TCHC to notify the Chief Building Official when each unit is safe for re-occupancy;

(j) Since June 17, 2022, and in response to several requests by the City for further information, the City has been provided with additional engineer's reports which opine on the cause of the structural failure and which conclude that there is no immediate solution which would allow the tenants to safely occupy their units pending the remediation of the unsafe condition;

(k) In addition to the many engineer's reports provided by TCHC, the City retained its own engineer at its own expense to peer review the various reports provided. The engineer retained by the City agreed that the danger is imminent, that concrete ceiling panels could fall at random at any time through the Swansea Mews

complex, that the buildings at the Property must be evacuated immediately, and that shoring the units would not allow the units to be occupied;

(l) The City further asked a structural engineer employed by the City in the Toronto Building Division to review the various engineer's reports provided. The City's engineer concurred that the Unsafe Buildings posed an imminent risk to the safety of the tenants and that this risk could not be adequately mitigated by shoring the units;

(m) The City has left no stone unturned in concluding that occupancy must be prohibited, and the City's primary concern in issuing the Emergency Order is the safety of the tenants;

(n) TCHC has taken numerous steps to remove the tenants from the Unsafe Buildings and relocate them at TCHC's cost in its effort to comply with the Emergency Order. However, to date, many tenants have refused to leave. As of the date of this issuance of this Notice of Application, some 40 units are still occupied. The City is therefore seeking an Order that would allow the Sheriff of Toronto and the Toronto Police Service to assist in the enforcement of the Emergency Order;

(o) The Emergency Order has no bearing whatsoever on the landlord tenant relationship between the TCHC and its tenants which is governed by the *Residential Tenancies Act*. As such, it does not purport to terminate any tenancies. It is intended solely to address the imminent danger at the Property which requires the tenants to leave until such time as the danger is removed;

(p) The Applicant Chief Building Official William Johnston is accordingly committed to lifting the Emergency Order prohibiting occupancy once he is satisfied that it is safe for the tenants to return;

(q) The City is continuing to pursue with TCHC's engineer's what work will be required to allow for the tenants to return and the timeframe for same. While this has not been finalized yet, it is clear that this is not likely to be resolved in the short term;

(r) The tenants of the Unsafe Buildings have been served with the Emergency Order, in accordance with its terms, and have further been provided with copies of all expert reports to date as well as notice of the within application;

(s) TCHC is consenting to the relief sought in the within application;

(t) As of the date of issuance of this application, despite their many efforts, TCHC has failed to effect the removal of all of its tenants from the Unsafe Buildings as required, and it is essential for the tenants' safety that the Unsafe Buildings be vacated immediately;

(u) Sections 15.9, 15.10, and 38 of the *Building Code Act, 1992*, as amended;

(v) Rule 14.05(2) of the *Rules of Civil Procedure;* and,

(w) Such further and other grounds as counsel may advise and this Honourable Court may consider.

3. THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE APPLICATION:

(a) Affidavit of William Johnston;

(b) Affidavit of Richard Grotsch; and,

(c) Such further and other documents as counsel may advise and this Honourable Court may permit.

DATED: June 23, 2022

CITY SOLICITOR'S OFFICE
26th Floor, Metro Hall, Stn. 1260
55 John Street
Toronto, ON M5V 3C6

Naomi Brown
LSO37755B
Tel: (416) 392 - 0121
Email: Naomi.Brown@toronto.ca

Jared Wehrle
LSO68942I
Tel: (416) 338 - 5863
Email: Jared.Wehrle@toronto.ca

Lawyers for the Applicants

Court File No.:

B E T W E E N :

CITY OF TORONTO, et al
Applicants

and

TORONTO COMMUNITY HOUSEING CORPOARATION
Respondent

17

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

NOTICE OF APPLICATION

CITY SOLICITOR'S OFFICE
Station 1260, Metro Hall
55 John St., 26th Floor
Toronto, Ontario, Canada
M5V 3C6

Naomi Brown
LSO NO. 37755B
Tel: (416) 392-0121
Email: naomi.brown@toronto.ca

Jared Wehrle
LSO No. 68942I
Tel: (416) 338 - 5863
Email: Jared.Wehrle@toronto.ca

Lawyers for the Applicants

TAB 2

Court File No. CV-22-00683263-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

CITY OF TORONTO and WILL JOHNSTON, CHIEF BUILDING OFFICIAL FOR THE CITY OF TORONTO

Applicants

-and-

TORONTO COMMUNITY HOUSING CORPORATION

Respondent

AFFIDAVIT OF WILL JOHNSTON
(Sworn June 29, 2022)

I, **Will Johnston**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY as follows:

1. I am the Chief Building Official and Executive Director of Toronto Building for the City of Toronto (the "City"). I, along with the City, am the Applicant in the application herein. I was appointed by the Council for the City as Chief Building Official pursuant to section 3 of the *Building Code Act, 1992*, as amended (the "BCA"), in April of 2018. Toronto Building is the City's building division which I direct. As Chief Building Official, I have overseen all matters that are the subject of the application herein, and as such I have knowledge of the matters to which I hereinafter depose. My knowledge comes from my personal involvement and my many discussions with Toronto Building staff whom I oversee.

2. The role of chief building officials is delineated in subsection 1.1(6) of the BCA. My responsibilities prescribed by this provision include:

- Co-ordinating and overseeing the enforcement of the BCA and the Ontario Building Code within the City's boundaries;
- Exercising powers and performing the other duties assigned to me under the BCA and the Ontario Building Code; and
- Exercising powers and performing duties in an independent manner.

Overview

3. This application relates to the property municipally known as 21 Windermere Avenue in the City of Toronto (the "Property"). The Property contains nine blocks of townhouses (designated as Blocks A to I) known as Swansea Mews in the City's Swansea neighbourhood. More specifically, the Swansea Mews complex consists of 154 townhouse units in total across the nine buildings. The buildings were constructed approximately 50 years ago. The Property is owned and operated by the Respondent Toronto Community Housing Corporation ("TCHC"). TCHC is thus the landlord of the tenants who occupy the townhouse units at Swansea Mews.

4. TCHC is a separate legal entity from the City. TCHC owns, operates and is the landlord of many community housing units across the City of Toronto.

5. In the application herein, the Applicants are seeking an Order confirming and enforcing an emergency order I authorized which was issued on June 12, 2022 by my Deputy Chief Building Official, Kamal Gogna, pursuant to section 15.10 of the BCA (the "Emergency Order"). The Emergency Order immediately prohibited use and occupancy of the buildings at the Property (the "Swansea Buildings") given that the buildings are an imminent risk of structural failure and have been deemed by multiple qualified professionals to be uninhabitable in their current state. Use

and occupancy have been prohibited until such time as the Swansea Buildings have been made safe for re-occupancy to my satisfaction. Attached hereto as Exhibit "A" is a true copy of the Emergency Order.

6. It is clear from the many professional reports I have received that the unsafe condition at the Swansea Buildings will not be resolved in the short term. Through additional Orders issued by Toronto Building and through our dealings with the qualified professionals retained, Toronto Building staff and I continue to pursue what work needs to be done to make the Swansea Buildings safe (whether through repair or replacement) to allow for re-occupancy and the timeframes for this. Once the buildings have been made safe for re-occupancy, I will lift the Emergency Order.

7. TCHC has gone to great lengths to remove the tenants from the Swansea Buildings and to relocate them at TCHC's expense pending the resolution of the emergency situation. However, TCHC's efforts have not achieved full compliance with the Emergency Order. I am advised that some tenants are refusing to leave. For the safety of the tenants, it is imperative that they vacate immediately.

The Emergency at Swansea Mews and Orders Issued by Toronto Building

8. On May 27, 2022, a section of a concrete ceiling panel measuring approximately 3' wide by 12' long above the second floor bedroom in unit 19 in Block H of the Swansea Buildings detached from the structural flooring system. This large detached section of concrete ceiling panel fell from the ceiling and injured an occupant of the unit who was taken to hospital. Toronto Building learned of this incident initially from Toronto Fire Services which attended to the incident and thereafter from TCHC. This incident greatly concerned me and Toronto Building staff.

9. Toronto Building immediately issued an Order to Remedy Unsafe Building pursuant to section 15.9 of the BCA which required TCHC to forthwith retain a professional engineer to assess the cause of the failure and the structural stability of the Swansea Buildings and prescribe the required remedial measures to be taken. The Order indicated that the engineer's recommendations shall take into consideration that the adjacent units and blocks in the Swansea Mews complex were built at the same time using similar materials which may be affected by a similar defect. Attached hereto as Exhibit "B" is a true copy of the Order (the "May 27 Unsafe Order").

10. The professional engineering firm WSP Global Inc. ("WSP") was immediately retained by CS&P Architects ("CS&P") on behalf of TCHC and began investigating. Toronto Building was thereafter provided with reports prepared by Branko Kraincanic of WSP to CS&P dated May 30, 2022 and June 10, 2022 which are attached hereto as Exhibits "C" and "D", respectively. The reports explained that the existing floor structures consist of a number of approximately 1200 mm wide precast concrete hollow-core panels placed tightly to each other and spanning between the concrete block demising walls. The concrete that fell formed the bottom portion / soffit of the hollow-core concrete panel which supported the laundry room in unit 20 at the level above and which served as part of the ceiling in unit 19. It was noted that these hollow-core concrete panels were used as part of the structure throughout the Swansea Buildings. A concern was raised that the concrete ceiling panel and the structural portion of the floor panel appeared to have been fabricated separately and then bonded together with the remainder of the panel rather than being fabricated as one monolithic unit. The risk of failure of all the panels throughout the Swansea Buildings needed to be further explored.

11. Toronto Building staff and I were concerned that these reports were not addressed directly to the City, and we were concerned in that we still had many additional questions about whether the units were unsafe for occupancy, whether all the hollow-core concrete panels were at risk of failure, whether some units were safe and if so which ones, how this could be quickly determined, whether shoring of panels could quickly make the units temporarily safe, and whether the structural safety concerns were contained to the subject building or whether they related to all the Swansea Buildings. As such, as part of the May 27 Unsafe Order, we submitted a series of questions to be answered by WSP. On June 11, 2022, we received a chart from TCHC which purported to answer our questions in this regard. Attached hereto as Exhibit "E" is a true copy of the chart received on June 11, 2022 from TCHC.

12. I note that I and my staff were in constant contact with TCHC to ensure that we obtained all the relevant information regarding the structural integrity of the Swansea Buildings, whether the buildings were fit for occupancy and, if not, whether they could quickly be shored to render them safe for occupancy. My primary concern has always been the safety and well-being of the tenants. Upon receiving the chart with information referred to above, we were still concerned that this information had not been provided by way of a professional engineer's report and that we did not have a definitive conclusion from a professional engineer as to whether the units were safe for occupancy. This was immediately conveyed to TCHC.

13. While dealing with these matters, I learned that TCHC had already been negotiating with tenants in an effort to relocate them to allow for a large scale refurbishment of the Swansea Buildings (in other words, these efforts had already been underway prior to the collapse of the concrete panel). I strongly emphasize that this information was and still is not relevant in any way

to my concerns about whether the Swansea Buildings are safe for occupancy due to the unsafe condition posed by the state of the concrete hollow-core ceiling panels. My decisions have revolved solely on whether the Swansea Buildings (all, some or part of them) are safe for occupancy and, if not, on what work needs to be done to allow the tenants to re-occupy as quickly as possible. Any dealings between TCHC and their tenants regarding a proposed long-term refurbishment plan would be governed by the *Residential Tenancies Act, 2006* and fall outside my jurisdiction under the BCA. This distinction is crucial and is one of the reasons Toronto Building has doggedly persisted in obtaining information from qualified professionals that is focused and relevant to the City's jurisdiction under the BCA in terms of the safety of the Swansea Buildings.

14. On Sunday June 12, 2022, Toronto Building was provided by TCHC with two engineering reports addressed to us. The first was from Mr. Kraincanic of WSP which is attached hereto as Exhibit "F", and the second was from James Cooper, P. Eng, of Read Jones Christoffersen Ltd. which is attached hereto as Exhibit "G". Destructive testing had continued throughout various units in the Swansea Buildings wherein many of the concrete hollow-core ceiling panels failed in the same manner as the one which fell in Unit 19. The engineers concluded that the existing precast floor structures in all 154 units of the Swansea Mews complex are unsafe for the purpose they are used. They concluded that all the Swansea Buildings had been rendered uninhabitable and recommended that the tenants be evacuated immediately.

15. Subsection 15.10(1) of the BCA provides that if upon inspection of a building an inspector is satisfied that the building poses an immediate danger to the health or safety of any person, the chief building official may make an order containing particulars of the dangerous conditions and requiring remedial repairs or other work to be carried out immediately to terminate the danger.

Subsection 15.10(3) provides that after making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the building in respect of which the order was made without a warrant.

16. Upon reading the numerous engineer's reports available to me and in reliance upon said reports and our many attendances at the Property, I determined on June 12, 2022 that the Swansea Buildings were unsafe for occupancy and that they must be immediately vacated until such time as the necessary repairs are carried out. I deemed the matter to be urgent and was satisfied that the buildings pose an immediate danger to the health and safety of its occupants.

17. Given the immediate danger to the occupants of the Swansea Buildings and in reliance upon the reports of the engineering professionals, I authorized and Toronto Building issued to TCHC the Emergency Order dated June 12, 2022, which is the subject of the application herein, pursuant to section 15.10 of the BCA (the Emergency Order is Exhibit A to my affidavit). The Emergency Order referred to and appended the WSP report of June 12th which concluded that the Swansea Buildings are currently uninhabitable and therefore unsafe for occupancy. The Emergency Order ordered that in accordance with the WSP report, occupancy and use of the 154 TCHC townhouse units are prohibited effective immediately. The Emergency Order further required TCHC to immediately notify and provide a copy of this Order and the appended WSP report to each and every tenant of the Swansea Buildings.

18. The Emergency Order with the WSP report was indeed served on all the tenants immediately on the evening of June 12, 2022. The Emergency Order was also posted on site in several locations on the Property at that time.

19. In addition to the Emergency Order, Toronto Building issued a further Order to Remedy Unsafe Condition to TCHC dated June 12, 2022 (the "June 12 Unsafe Order") pursuant to section 15.9 of the BCA which required TCHC to provide an engineer's report by June 17, 2022 setting out the repair methodology for alleviating the unsafe condition at the Swansea Buildings, clearly identifying the specific work that must be completed in order to allow for safe re-occupancy of the units, and providing the timeframes for said work. The June 12 Unsafe Order further required TCHC to notify me as the Chief Building Official when each unit is safe for re-occupancy. Attached hereto as Exhibit "H" is a true copy of the June 12 Unsafe Order.

20. Shortly thereafter, Toronto Building was provided with an architectural Field Review Report prepared by CS&P dated June 15, 2022 regarding CS&P's inspections carried out on June 14, 2022. A copy of this field review report is attached hereto as Exhibit "I". This was not provided in response to the June 12 Unsafe Order but rather was provided merely to keep us updated on the findings from continued destructive testing. This field review report identified those panels which had been found to be defective and those which remained intact following destructive testing carried out thus far. It was evident that the defective panels are located at random throughout the Swansea Buildings and are not isolated to one particular building or area.

21. While we continued to engage with TCHC and their engineers, I was continually updated on whether there had been compliance with the Emergency Order and on what steps TCHC was

taking to vacate the Swansea Buildings. I was advised that many tenants had not yet vacated or were refusing to vacate. As I was becoming more and more concerned that the Swansea Buildings continued to be used and occupied contrary to the Emergency Order, I sent a letter to TCHC dated June 16, 2022 expressing my concerns in this regard. A true copy of this letter is attached hereto as Exhibit "J". In my letter, I asked TCHC to advise me immediately as to how many units had been vacated to date and which ones, to inform me as to what steps have been taken to ensure the safety of the tenants who still occupy their units, and to inform me as to what steps they are taking to ensure that the remaining units are vacated in accordance with the Emergency Order. I further advised that if compliance with the Emergency Order was not achieved imminently, I would have no choice but to bring a court application to enforce compliance.

22. On Friday June 17, 2022, I received a response to my letter from Jag Sharma, President and Chief Executive Officer of TCHC and Darragh Meagher, General Counsel and Corporate Secretary of TCHC. A copy of TCHC's letter dated June 17th is attached hereto as Exhibit "K". The letter provides a very detailed summary of the steps TCHC had taken as at that date to educate the tenants, to remove the tenants in accordance with the Emergency Order, to relocate the tenants to temporary housing, and to keep them safe in the interim. The letter provides detailed information about which units were vacated and which were still occupied. As at that time, some 87 units were still occupied in non-compliance with the Emergency Order. The letter describes the tenants' lack of trust in TCHC despite their efforts and despite several Town Hall meetings held by TCHC with the tenants (one of which I attended on June 14, 2022) and that many of the tenants have refused to leave. From my attendance at the Town Hall meeting held on June 14th, it appears that the tenants understand that the Swansea Buildings are unsafe but have many

concerns about where they will be relocated and have fears about the status of their tenancy. I reiterate that the Emergency Order has no bearing whatsoever on the status of their tenancies.

23. Late in the day on Friday June 17th, we received a report prepared by Mr. Kraincanic of WSP dated June 16, 2022 in response to the June 12 Unsafe Order. Attached hereto as Exhibit "L" is a true copy of the report. The report addressed further destructive testing carried out and concluded that it is WSP's opinion that the precast concrete panels in all the units were intentionally fabricated by casting the ceiling panel separately from the remainder of the precast panel (the web and the upper slab), and that the ceiling panel was bonded to the webs of the upper portion of the panel by application of a bonding agent. In other words, rather than casting the panels as a monolithic unit which would be standard, they were casted in two parts and bonded together, and the bonding is failing which could result in the lower portions' collapse at any moment (which is what occurred in Unit 19).

24. While much information was provided in the TCHC letter of June 17th and WSP report dated June 16th, I was not satisfied that the issues raised in the June 12 Unsafe Order had been addressed in terms of providing a repair methodology, in terms of advising what work needs to be carried out to allow the tenants to return, and the timeframes for said work. Accordingly, I sent an email to Darragh Meagher dated June 17, 2022, a true copy of which is attached hereto as Exhibit "M". In the email, I advised that if this information were not provided by 5 p.m. on June 18th, I would have no choice but to retain a professional engineer to carry out inspections at the Property and provide Toronto Building with the outstanding information.

25. On Saturday June 18, 2022, we were provided by TCHC with two new engineering reports further to my demand and in response to the June 12 Unsafe Order. The first report was prepared by Mr. Kraincanic of WSP, a true copy of which is attached hereto as Exhibit "N", and the second report was prepared by Jovo Mitrovic, P. Eng., of Precast Design Solutions Inc. ("PDS"), a true copy of which is attached hereto as Exhibit "O". WSP had sought an opinion from PDS, a precast concrete engineering specialist. Both reports yet again concluded that the Swansea Buildings are not safe for occupancy. Additionally, both reports concluded that the precast hollow-core panels cannot be salvaged or repaired. PDS believes that the cause of the issue with the precast panels lies in the manufacturing process. PDS opines that the production process consisted of a two stage cast with the bottom slab poured first, then the void forms placed, and then the rest of the concrete added including the web sections and the top slab section. PDS believes that too much time elapsed between the bottom slab pour and the upper section pour. PDS indicated that "future failures can occur in the same random mode that cannot be detected and repaired with any available tools and processes".

26. With regard to possible repairs, PDS stated:

> Reattaching the bottom slab section to the remainder of the slab where the bond was lost as part of a repair solution would not be possible as the slab would have to be attached into the webs where the prestressing tendons are placed just now. Leaving the condition as is is not acceptable either since the bond loss would effectively reduce the structural section of the slab and therefore reduce the capacity of the slab to carry the loads. Furthermore, if the bottom slab failure in a similar manner as it has occurred exposes the prestressing tendons, that would present the immediate structural dangerous condition as the bond between the prestressing tendons and concrete is essential for the structural system to function as designed.

27. In its report of June 18th, WSP also concluded that the panels cannot be repaired. WSP recommended that all the Swansea Buildings be demolished. With regard to whether shoring the units would allow the tenants to return to their units, WSP stated:

> Shoring is being implemented as a temporary measure to allow safe removal of belongings from units. The shoring installation prevents ceiling panels from falling in the event of a failure of the bond between the ceiling panels and the rest of the hollow-core panels. The shoring process, which includes monitoring for asbestos, takes 3 to 4 days per unit. Because of the protection of the hazardous materials required during installation of shoring, the tenants cannot occupy the unit while shoring installation is taking place. Shoring is not a long-term solution; it does not address the underlying structural condition. We do not support shoring with the intent to allow tenants to re-occupy their units.

28. From reading these June 18th reports, it became very clear that the emergency situation at the Swansea Buildings would not be able to be resolved in the short term.

29. Given the significance of the impact of the Emergency Order on the tenants and given the implications for the tenants should the Swansea Buildings be required to be demolished, I decided to retain an independent engineer at the City's expense to carry out an inspection at the Property and do a peer review of all the professional reports provided to the City. Attached hereto as Exhibit "P" is an email from Tony D'Amico, a Supervisor of Inspections with Toronto Building, to Ken Maschke of the engineering firm Thornton Tomasetti ("Thornton") sent at 9:09 p.m. on the evening of Saturday June 18, 2022 setting out the questions Toronto Building wished Mr. Maschke to answer in his peer review report. The questions revolved around whether, in his opinion, the Swansea Buildings were uninhabitable, whether the buildings could be repaired or whether they should be demolished, and whether the tenants could re-occupy their units if the units were shored.

30. Mr. Maschke attended at the Property on June 19, 2022, reviewed all the expert reports, and provided us with his report on June 19th, a true copy of which is attached hereto as Exhibit

"Q". In his report, Mr. Maschke agreed that the Swansea Buildings are at imminent risk of structural failure. He indicated that there is an imminent danger that additional portions of the hollow-core plank soffit may fall as experienced on May 27th. He agreed with and supported the Emergency Order which prohibits the use and occupancy of the Swansea Buildings. I note the Mr. Maschke was the fourth qualified professional to conclude that an imminent danger existed and that the Swansea Buildings must be vacated. Further, Mr. Maschke also agreed that it would not be safe for tenants to return to their units once the units are temporarily shored. This further confirmed that any resolution of the unsafe condition would not occur in the short term.

31. Mr. Maschke, however, did not necessarily agree that the Swansea Buildings need to be demolished and opined that it may be possible to repair the panels. He opined that further testing may be possible. However, he acknowledged that he had not costed any of his suggestions and could not conclude as to their reasonableness in the circumstances.

32. In addition to approaching Mr. Maschke of Thornton, we sought out a further opinion from a building engineer employed with Toronto Building given the significance of the implications for the tenants of the Swansea Buildings. Attached hereto as Exhibit "R" is an email from Building Engineer James Liu, P. Eng., to Kamal Gogna, Deputy Chief Building Official, Toronto and East York District, dated June 19, 2022 wherein Mr. Liu answered a series of questions put to him after reviewing all the professional reports provided to the City. Like all the other qualified professionals, Mr. Liu concluded that the Swansea Buildings are in imminent danger of structural failure, that occupancy of the units should be prohibited, and that it would not be safe for the tenants to occupy the units even with temporary shoring installed. Mr. Liu was now the fifth qualified professional to reach these conclusions. There can reasonably be no dispute about the

fact that the Swansea Buildings pose an imminent danger to the tenants and that occupancy must be prohibited. Lastly, Mr. Liu agreed with WSP and PDS that repairing the hollow-core panels is not a viable option.

33. By this time, over a week had passed since I issued the Emergency Order and I was concerned that many units in the Swansea Buildings were still occupied to my great dismay. As such, I wrote a letter to the tenants of the Swansea Buildings dated June 23, 2022 to further explain the basis of the Emergency Order, to emphasize that I am independent of TCHC, to convey that my sole objective is to address the urgent safety issue with their best interests in mind, and to impress upon them that they must vacate immediately. I further advised that I would be bringing the court application herein to confirm and enforce the Emergency Order. Attached hereto as Exhibit "S" is a true copy of my letter dated June 23, 2022 which was personally delivered to each unit of the Swansea Buildings by Toronto Building staff on June 23rd. Appended to the letter were copies of the engineer's reports provided to Toronto Building since the issuance of the Emergency Order. My intention has always been to be fully transparent vis-à-vis the tenants and the public.

34. In addition to the letter, I and some of my staff attended a community meeting held on the evening of June 23, 2022 in the courtyard of the Swansea Mews complex at the Property. At that time, I was able to address in person those tenants who attended, explain the Emergency Order and the need to vacate immediately, and answer any questions tenants had regarding the actions being taken by Toronto Building including with regard to the application herein. TCHC staff were also in attendance to address the relocation of the tenants. THCH's portion of the meeting was conducted separately from Toronto Building's portion of the meeting.

35. Finally, while there is unanimous agreement that the Swansea Buildings are uninhabitable, are in imminent danger of structure failure, are unsafe for occupancy and must be vacated, and are unsafe to occupy with temporary shoring in place, there is some difference in opinion about whether there is a repair solution available or whether the Swansea Buildings should be demolished. This still needs to be further explored and addressed in response to the June 12 Unsafe Order issued to TCHC. I require this information as my objective is to ensure that the emergency condition is addressed as quickly as possible so that the Emergency Order prohibiting use and occupancy of the Swansea Buildings can be lifted. In order to address these issues, Deputy Chief Building Official Kamal Gogna sent a letter dated June 23, 2022 to TCHC wherein he provided a copy of Mr. Maschke's independent peer review report dated June 19th and directed TCHC to have its engineers comment on the matters raised by Mr. Maschke in terms of the possibility of carrying out further testing and whether there is a viable repair solution. Attached hereto as Exhibit "T" is a true copy of Mr. Gogna's letter that was emailed to TCHC on June 24th. (While the letter is dated June 23rd, there is a notation that it was updated on June 24th. It was updated as a previous version of the letter was sent to an individual at TCHC who has since left the employ of TCHC. The letter was updated to address the correct current contact at TCHC and re-sent on June 24th. The updated version is attached as Exhibit T. I further note that all correspondence and all engineers reports included as exhibits to this affidavit were exchanged by way of email.)

Service of Statement on TCHC

36. As noted in paragraph 15 above, subsection 15.10(3) of the BCA provides that after making an order under subsection (1), the chief building official may, either before or after the order is served, take any measures necessary to terminate the danger and, for this purpose, the chief building official, an inspector and their agents may at any time enter upon the land and into the

building in respect of which the order was made without a warrant. Further, subsections 15.10(5) and (6) provide as follows:

> (5) If the order was not served before measures were taken to terminate the danger, the chief building official shall serve copies of the order in accordance with subsection (2) as soon as practicable after the measures have been taken and each copy of the order shall have attached to it a statement by the chief building official describing the measures taken and providing details of the amount spent in taking the measures. 2002, c. 9, s. 26.
>
> Service of statement
> (6) If the order was served before the measures were taken, the chief building official shall serve a copy of the statement mentioned in subsection (5) in accordance with subsection (2) as soon as practicable after the measures have been taken.

37. As noted throughout my affidavit above, Toronto Building is doggedly pursuing TCHC and the qualified professionals in terms of what work (repair or replacement) must reasonably be carried out in order to terminate the danger at the Property and allow for re-occupancy of the Swansea Buildings by the tenants. This information must ultimately be provided in accordance with the June 12 Unsafe Order. As this has not yet been finalized given the different opinions that are being further explored, Toronto Building is not in a position to carry out any work to terminate the emergency condition at the Property. Toronto Building relies on the findings and conclusions of the qualified professionals and is confident that TCHC will undertake whatever work is necessary to terminate the danger. If this does not happen, Toronto Building will take further steps in this regard.

38. While the issue of what work must be carried out to terminate the danger at the Property has not yet been resolved, Toronto Building has gone to great lengths to inform the tenants about the need to vacate. Toronto Building has served the tenants with a copy of the Emergency Order, I and my staff have attended Town Halls to explain the contents of the Emergency Order and

answer questions, and I have directly written to the tenants. While Toronto Building has not incurred any costs to terminate the danger at the Property, I have nevertheless served TCHC with a Statement dated June 29, 2022 in accordance with subsection 15.10(6) setting out the efforts Toronto Building has made to gain compliance with the Emergency Order. Attached hereto as Exhibit "U" is a true copy of the Statement.

Conclusion and Relief Sought

39. In all the actions that I and Toronto Building staff have taken, I have left no stone unturned in concluding that the Swansea Buildings pose an imminent danger to the health and safety of the tenants and anybody visiting the buildings. I do not make such conclusions lightly. However, the engineering evidence to date is irrefutable that the Swansea Buildings are at imminent risk of structural failure such that use and occupancy of the buildings must be prohibited.

40. The Emergency Order was issued pursuant to section 15.10 of the BCA. It prohibits the use and occupancy of the Swansea Buildings. While tenants continue to vacate the Swansea Buildings, the efforts of TCHC to remove and relocate the tenants have been insufficient to bring about full compliance with the Emergency Order. As at the date of swearing this affidavit, I am advised that approximately 25 units are still occupied despite that the Emergency Order was issued on June 12, 2022. In order to ensure their safety, it is imperative that these remaining tenants vacate immediately.

41. In the application herein, I am seeking an Order confirming the Emergency Order in accordance with subsection 15.10(7) of the BCA. While I and Toronto Building staff will continue our efforts to press TCHC and to educate the tenants about the need to vacate, the matter is urgent

and more action may be necessary to bring about compliance with the Emergency Order. I am therefore bringing the application herein also pursuant to section 38 of the BCA to enforce the Emergency Order including engaging the services of the Sheriff of Toronto and the Toronto Police Service if deemed necessary. While I sincerely hope it will not come to that, it is imperative that I do everything possible to ensure that the tenants are safe.

42. I confirm that the tenants have all been served with the Emergency Order and copies of all engineer's reports provided to Toronto Building to date. They are also being served with the City's materials in the application herein.

43. Finally, Toronto Building will continue in its efforts to ensure that the May 27 Unsafe Order and the June 12 Unsafe Order are complied with and that the Swansea Buildings are made safe (whether through repair or demolition). I reiterate that the Emergency Order and all other actions taken by Toronto Building have no bearing on the landlord tenant relationship that exists between TCHC and the tenants of the Swansea Buildings. As soon as the Property has been made safe to my satisfaction, the Emergency Order will be lifted.

44. I make this affidavit in support of the Applicants' application herein and for no other or improper purpose.

SWORN remotely by Will Johnston)
stated as being located at the City of Toronto,)
before me at the City of Toronto, in the)
Province of Ontario, on this 29th day of)
June, 2022 in accordance with O. Reg 431/20)
Administering Oath or Declaration Remotely.)
)
)

NAOMI BROWN
Barrister and Solicitor
(electronically signed)

WILL JOHNSTON
(electronically signed)

Court File No. CV-22-00683263-0000

B E T W E E N :

CITY OF TORONTO, et al
Applicants

and

TORONTO COMMUNITY HOUSING CORPORATION
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

AFFIDAVIT OF WILL JOHNSTON
(Sworn June 29, 2022)

CITY SOLICITOR'S OFFICE
Station 1260, Metro Hall
55 John St., 26th Floor
Toronto, Ontario, Canada
M5V 3C6

Naomi Brown
LSO NO. 37755B
Tel: (416) 392-0121
Email: naomi.brown@toronto.ca

Jared Wehrle
LSO No. 68942I
Tel: (416) 338 - 5863
Email: Jared.Wehrle@toronto.ca

Lawyers for the Applicants

This is **Exhibit A** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Emergency Order

Pursuant to Subsection 15.10(1) and 15.10(3) of the Building Code Act, 1992

Order Number: 22 160825 ECO 00 VI

Date Order issued: June 12, 2022

Address to which Order applies:
21 WINDERMERE AVE

Order issued to:

TORONTO COMMUNITY HOUSING CORPORATION
C/O NOAH SLATER
931 YONGE ST 3RD FL
TORONTO, ON M4W 2H2
CANADA

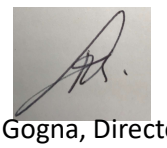
The Building Inspector has determined that the condition of the building/site poses an immediate danger to the health or safety of any person [Building Code Act, 1992 s 15.10(1)] because:

Item	Description	Measures to be Carried Out Immediately
1	Toronto Community Housing Corporation has provided to Toronto Building an amended report prepared by Branko Kraincanic, P.Eng, of WSP Global Inc. dated June 12, 2022 (ref. Site Visit Report #2, appended to this Order, "the Engineer's Report". The Engineer's Report concludes that the 154 TCHC townhouse units in the complex at Swansea Mews are currently uninhabitable and therefore unsafe for occupancy.	1. In accordance with the Engineer's Report, Occupancy and use of the 154 TCHC townhouse units are prohibited-effective immediately. 2. TCHC shall immediately notify and provide a copy of this order and the appended Engineer Report to each and every tenant of the subject building(s).

YOU ARE HEREBY ADVISED THAT the Chief Building Official or designates may exercise their emergency powers to take any measures necessary to terminate the danger, either before or after service of this order. [Building Code Act, 1992 s 15.10(3)]

AND PURSUANT to section 15.10-(7) recovery of expenses incurred by the City of Toronto to perform such work will be initiated through an application to court.

Order issued by:



Signature BCIN 13792 Telephone 416-392-7523

Name Kamal Gogna, Director and Deputy Chief Building Official Facsimile 416-696-4151

Address Toronto Building Division, 95 The Esplanade Ground Floor Toronto, ON M5E 2A2

Note:

- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [Building Code Act,1992 s. 20]
- This order will be accompanied or followed by a statement from the Chief Building Official describing the measures taken and details of the amount spent in taking the measures [Building Code Act, 1992 s. 15.10(5) and 15.10(6)

This is **Exhibit B** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

36 TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Order Number: 22 152852 UNS 00 VI

Date Order issued: May 27, 2022

Address to which Order applies:
19 SWANSEA MEWS

Application/Permit Number:
N/A

Order issued to:

TORONTO COMMUNITY HOUSING CORPORATION
C/O NOAH SLATER
931 YONGE ST 3RD FL
TORONTO, ON M4W 2H2
CANADA

An Inspection on or about May 27, 2022 at the above referenced address found the building to be in an unsafe condition as defined in Sentence 15.9 (2) of the Building Code Act, 1992.

You are hereby ordered to take the required actions itemized below immediately, or by the dates listed below.

Item	Reference	Description and location	Required action and compliance date
1	15.9	A section of concrete ceiling membrane above the 2nd floor bedroom measuring approximately 3' wide X 12' long has detached from the floor framing. The building is in a condition that could be hazardous to the health and safety of persons in the normal use of the building.	You are hereby ordered to: 1. Immediately, secure the affected area from unauthorized access. 2. Forthwith, retain the services of a professional engineer to carry out a structural assessment of the building's structure and prepare a report of the engineer's findings related to the cause of the ceiling membrane failure. The report shall contain recommendations to remedy the unsafe condition. The engineer's contact info and verification of retention shall be provided to Toronto Building by May 28, 2022. A preliminary report of the engineer's findings shall be submitted by June 1, 2022 3. Should the professional engineer's initial assessment reveal an urgent potentially dangerous condition requiring immediate attention, you are required to immediately (and under the supervision / direction of the said engineer) implement measures to alleviate the urgent unsafe conditions. Toronto Building shall be immediately notified of the situation and the measures to be taken. 4. The engineer's recommendations shall take into consideration that adjacent units and blocks were built at the same time using similar materials which may be affected by a similar defect.

37 TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Item	Reference	Description and location	Required action and compliance date
			5 Carry out the remedial measures under the direction / supervision of the engineer. 6. Following the completion of all work prescribed by the engineer, you are required to provide the Chief Building Official with a final report from the engineer confirming that all remedial measures have been completed to the satisfaction of the professional engineer and that all unsafe conditions have been remedied. Note: A building permit is required if the scope of work (demolition and/or construction) prescribed by the engineer extends beyond that required to remove the unsafe condition.

Order issued by:

Signature	Joseph Fusco	BCIN	19219	Telephone	416-338-0700
Name	Joseph Fusco, Manager, Inspections			Facsimile	416-696-4151
Address	Toronto Building Division, 95 The Esplanade Ground Floor Toronto, ON M5E 2A2				

Note:

- The Signature above is the unique electronic signature of Joseph Fusco, it can only be added by Joseph Fusco and was produced after Joseph Fusco electronically authenticated this document.
- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [Building Code Act,1992 s. 20]
- An Order may be appealed to the Superior Court of Justice. [Building Code Act, 1992 s. 25]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [Building Code Act, 1992 s. 24]
- Failure to comply with this Order is an offence which could result in a fine. [Building Code Act, 1992 s.36]

This is **Exhibit C** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

May 30, 2022

Attn: Victor Peralto
CS&P Architects
2345 Yonge Street, Suite 200
Toronto, ON

Dear Mr. Peralto

Re: 1 Swansea Mews, Toronto, Ontario
Toronto Community Housing (TCH)
Fallen ceiling investigation, Unit #19, Block H
Site Visit Report

WSP Building Structures team was retained by your firm, on behalf of Toronto Community Housing, to investigate the reported collapse of the concrete ceiling in the townhouse complex at 1 Swansea Mews in Toronto. Branko Kraincanic, P.Eng (Structural) at WSP visited the site on May 27, 2022. The following is the summary of the observations made by WSP on site.

1. WSP entered the Unit #19, accompanied by Ed Wieczorek (TCH) and Victor Peralto (CS&P Architects). WSP observed the fallen concrete ceiling panel in the bedroom at the second level of the unit.

2. The existing floor structure above the bedroom consists of a number of approx. 1200mm wide precast concrete hollow-core panels placed tightly to each other and spanning between the concrete block demising walls (approx. 4.7m apart). This slab is supporting the laundry room in the unit #20 at the level above.

3. According to our observations, the ceiling panel forms the soffit of the structural portion of the damaged floor panel. The fallen portion of the existing concrete ceiling panel is approx. 3.5m long ,1.2m wide and 30-40mm thick. The ceiling panel fell from only one floor panel (2nd panel from the widow). It appears that the concrete ceiling panel and the structural portion of the floor panel were fabricated separately and then bonded to each other into one precast floor panel by either applying a bonding agent between them or by casting them against each other. In either case, a construction joint was formed between the ceiling panel and the webs of the structural panel above. As no steel ties across the joint were observed during the visit, the integrity of the built-up floor panels relies solely on the strength and the durability of the bond. No reinforcement was observed in the broken pieces of the ceiling panel.

4. In our opinion, the ceiling panel detached from the webs of the structural panel due to deterioration of the bond between them. Also, the bond may have been broken due to exposure to a significant external force (earthquake or a high dynamic load), however, this is an unlikely scenario. Due to absence of steel ties between the ceiling panel and the structural panel, the failure occurred instantly (brittle failure) not providing early signs of failure (cracks, delamination, etc.).

5. WSP visually examined the floor panels in the units #17, 19, 20, 27, 28 and 42 for any signs of failure of the ceiling panels. No cracks in the soffit of the floor panels were observed. However, as explained in the paragraph 4 above, there is no guarantee that the ceiling is not prone to separation from the structural panel

unless the steel ties were provided between them during the fabrication. In our opinion, the steel ties between the ceiling panel and the webs of the structural panel are essential in providing structural integrity to the whole built-up floor panel. Note that the hollow-core panels are not normally fabricated by connecting two or more components into one panel. The hollow-core panels are usually fabricated as one monolithic panel. WSP is not sure why the fabricator chose to fabricate and install the built-up floor panels in some units rather that the monolithic panels.

6. WSP was informed by CS&P Architects on Saturday, May 29, 2022 that the destructive investigation took place in the unit #19 and in the vacant unit #27 in the same block H, per recommendations from WSP given in an email on May 28, 2022. According to the emails and photos provided by CS&P, a small piece of the ceiling panel was removed from the floor slabs in units #19 and #27 to expose the connection between the ceiling panel and the webs of the precast panel. The investigation in the unit #27 revealed no construction joint between the ceiling panel and the exposed web, which implies that the examined panel was built monolithically, as expected in the usual hollow-core construction. The same investigation on the panels adjacent to the damaged panel in the unit #19, however, caused the tested portion of the ceiling to detach from the web with a little effort, in the same manner the ceiling panel detached from the web in the damaged panel. The ceiling panels were also scanned for embedded reinforcement or the prestressing tendons, however none were found.

7. WSP reviewed the existing original structural and architectural drawings and found that the structural drawings are consistently calling for an 8" thick precast concrete hollow-core slab in all units and at all levels above the ground level. There is no information in the structural drawings that indicate that the slabs in different areas of the units would be built differently (monolithic vs. built-up). The drawings do not contain details of the hollow-core slabs. We believe that the precast slab fabricator designed the slabs and provided a separate set of shop drawings, which has been a common practice.

8. Taking into consideration all information obtained during the visits, WSP recommends that the existing precast floor structure in all TCH townhouse units in the complex at 1 Swansea Mews where the floor structure consists of the built-up precast panels instead of the monolithically fabricated panels is dangerous for the current tenants for the reasons explained in the previous paragraphs of this report. Due to noticed inconsistency in the applied construction techniques between the units and due to the uniform appearance of the slab soffits in all units, it is impossible to determine the composition of the precast floor panels from a visual survey. We recommend that all precast panels in all units in this townhouse complex be shored as soon as possible and tested for presence of construction joints between the ceiling panel and the precast webs of the floor panels. The shoring should extend from the ground level of the lower units to the roof level of the upper units and should remain in place in the units until all panels in the lower and the upper unit have been tested and cleared (all panels found to be monolithic) or repaired (construction joints have been found in some or all panels). The layout of shoring, the sequence and the details of the repairs will be provided in a separate document.

9. The testing of panels for presence of construction joints could be either destructive or non-destructive, or a mix of both. The testing method, the scope of testing and the schedule will be determined in coordination with the TCH.

We trust that the provided information satisfies your needs. Please call our office if you need any other information.

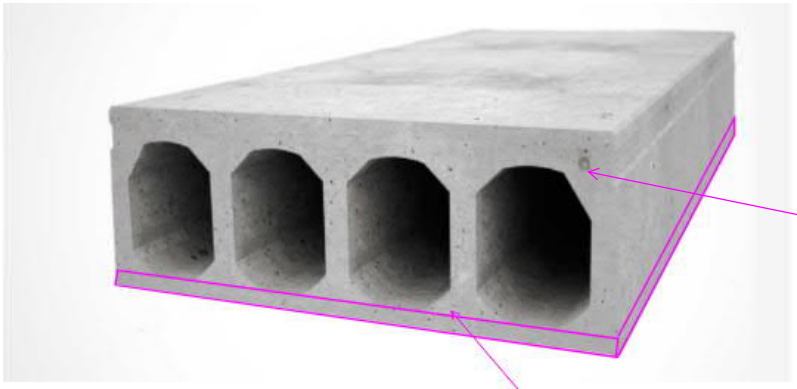
Yours truly,

WSP Canada Inc.

Branko Kraincanic, P.Eng
Senior Structural Engineer
Branko.Kraincanic@wsp.com
416-640-4877

Attachements :

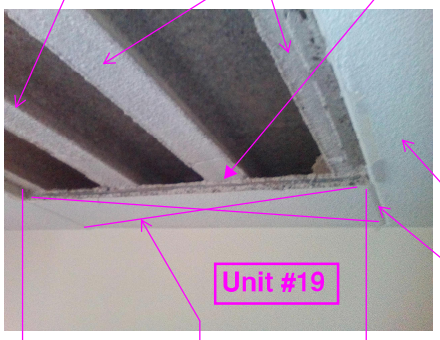
- Site Photos



Hollow-core precast panel. Not the actual panel, only an example.

Construction joint

Web of the precast panel



Adjacent precast panel

Joint between the panels

Remaining ceiling panel

One precast panel apprpx. 1200mm

Fallen ceiling panel

This is **Exhibit D** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

June 10, 2022

Attn: Victor Peralto
CS&P Architects
2345 Yonge Street, Suite 200
Toronto, ON

Dear Mr. Peralto

Re: 1 Swansea Mews, Toronto, Ontario
Toronto Community Housing (TCH)
Order to Remedy Unsafe Building
 # 22 152852 UNS 00 VI (May 27, 2022)
Site Visit Report #2

WSP Building Structures team was retained by your firm, on behalf of Toronto Community Housing, to investigate the reported collapse of the concrete ceiling in the townhouse complex at 1 Swansea Mews in Toronto. Refer to the attached Site Visit Report dated May 30, 2022 for detailed observations and recommendations.

Branko Kraincanic, P.Eng (Structural) at WSP visited the site on June 10, 2022. The following is the summary of the observations made by WSP on site.

1. WSP and CS&P entered the following units: #70, #81, #82, #149 and #150, in order to perform the destructive testing of the ceiling panels. The testing involved cutting out a square portion of the ceiling panels (non-structural component) at the ribs of a randomly selected precast floor panel, and removing it from the panel by hitting with a 2 lb hammer. If the marked piece of the panel fell off the panel by detaching from the rib of precast panel, this would indicate that the selected precast panel was not constructed as one monolithic panel and that it's ceiling panel is prone to collapse, similar to the defective panel in Unit #19.

2. WSP and CS&P randomly selected and tested one precast panel at each level in each visited unit. In addition, one additional test was carried out in units #81 and #150.

3. Testing at all selected panels in the units #81, #149 and #150 revealed that the selected precast panels were fabricated as monolithic panels, and are deemed safe.

4. Testing at the selected panels at Level 1 in the units #70 and #82 revealed that the selected precast panels consist of a structural portion and a ceiling concrete panel bonded together into one panel, similar to the defective panel in Unit #19, **and are deemed unsafe.**

5. Shoring was present in all visited units, as per WSP's recommendations. All units were vacant during the visit.

6. Due to noticed inconsistency in the applied construction techniques between the units, and even within the units, and due to the uniform appearance of the slab soffits in all units, it is impossible to determine the composition of the precast floor panels from a visual survey. It is also impossible to predict in which dwelling unit and when will the next ceiling panel collapse.

7. Taking into consideration all information obtained during the visits, our opinion is that the existing precast floor structures in all TCHC townhouse units in the complex **at Swansea Mews are unsafe for the purpose they are used**. We recommend that the tenants be evacuated as soon as possible.

We trust that the provided information satisfies your needs. Please call our office if you need any other information.

Yours truly,

WSP Canada Inc.

Branko Kraincanic, P.Eng
Senior Structural Engineer
Branko.Kraincanic@wsp.com
416-640-4877

Attachements :

- Site Visit Report (May 30, 2022)

This is **Exhibit E** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

	Question	Response
1	Provide a list of all the units that have been shored to date and units remaining to be shored in each building of the complex.	See attached dash board which is current as of June 9, 2022. Progress ongoing even since this last report. Please note: The unit count for destructive testing **DOES NOT** mean every panel was tested. Only 2-3 panels were tested in each unit.
2	Upon completion of the shoring, would it be reasonable to have the tenants remain in their units? Please explain the rationale.	The current shoring is designed to allow engineers to complete their investigations and for quick visits to gather belongings. Adjustments would be required for longer-term shoring to allow tenants to return to their units, when they are safe/clear/remediated. This is strictly from a structural point of view and there are other factors and liabilities to consider and TCHC will continue to quickly explore this as an option. Incorporating shoring into existing units will also give rise to the need to consider issues related to factors other than structural considerations. For example, the placement of shoring supports in tenant units may complicate access to and egress from the unit as is indicated in the photographs, attached. **Regardless, tenants have to leave in the short term regardless to allow for the installation/abatement/clean up activities.**
3	Additionally, please clarify if shoring can be carried out without vacating the units.	It is not feasible to have the tenants in place during asbestos containment abatement and shoring installation.
4	Are specific units to be vacated or all buildings within the entire complex to be vacated? If the entire complex, provide reasonable rationale	The entire complex must be vacated to be made safe. The same panel types and construction methodologies were carried out through the entire complex. The destructive testing has pointed to an uncertainty of the prevalence of this defective detail throughout the complex. Until other testing methods are developed, destructive testing of each panel in each unit is the only way to confirm the integrity of any panel.
5	As noted in the June 10, 2022 engineer's report, units #81, #149 and #150 are deemed safe.	The report needs to be clarified. The tested **panels** (2-3 per unit) in the units listed have been deemed to not exhibit the same detachment characteristic of the original panel that failed. No units to date can be declared as entirely safe.
6	How many other units are safe?	None. Dozens of units have temporary shoring (see attached tracking sheet) which provides sufficient safety for the purpose of testing and investigative work to occur. As noted above, adjustments would be required for longer-term shoring to allow tenants to return to their units, when they are safe/clear/remediated
7	How many units which have been determined unsafe are still not vacated?	None. Any unit that is currently occupied, has not received shoring or testing of any kind. Absent such testing, TCHC is unable to determine whether the panels located in a unit give rise to a safety risk.
8	How many units have been vacated thus far in the subject building and in the entire complex and how many units are still occupied?	See attached tracking sheet.
9	Is it not reasonable to do destructive testing on each unit before declaring the entire building to be unsafe and unfit for occupancy? And if the answer is no, why not?	A visual inspection cannot determine if the panels are safe. Destructive testing of a sample of panels from a variety of units does not ensure the safety of untested panels. While TCHC initially understood that electromagnetic testing would facilitate the identification of "at risk" panels, our findings on June 10 cause us to conclude that this understanding was incorrect. At this point destructive testing of each panel in each unit is the only way to confirm the integrity of the panels. This testing requires extensive abatement, shoring, cutting, breaking, doucmenting and clean up. **In any regard, we need tenants out of the building to perform these activities.**
10	How imminent could a collapse be for units that are not monolithic?	There is no way to determine if and when a faulty panel may delaminate. It is a sudden, brittle failure with no warning, according to the engineer's determination.
11	Based on the report, a total of 5 units were tested via destructive testing and 3 of those were determined to be safe.	Not correct. See question 5.

12	The engineer notes that the tenants be evacuated "as soon as possible". Does that mean that if TCHC is unable to arrange for alternative accommodations for the tenants, that they can remain in the units OR is it referencing a different time period?	No. TCHC understands that tenants are in danger and need to be moved at the earliest opportunity. In that regard, TCHC is currently seeking to identify alternative accommodations for all Swansea Mews tenants. This process engages the identification of temporary accommodation for tenants, as a landing stage, from which tenants would subsequently secure longer term alternative accommodation. TCHC has identified, to the City, the need for external support in this regard.
13	Provide short and long term measures for the occupancy of the units. What steps are required before vacated tenants could return?	We are working on an option whereby tenants may move back with shoring. The process would include: Video documentation, protection of contents, etc. Room and abatement prep. Shoring Installation Post installation abatement Testing of all panels Clean up of unit Analysis of test results and determination of whether the unit is safe Design and engineering for remediation of unsafe panels If not safe, tenants return to unit with shoring or after remedial work is complete If safe, shoring removed, unit cleaned, tenant returns This process is predicated on matters discussed in Q2. In any regard, we need tenants out of units in order to perform this work.

This is **Exhibit F** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

June 12, 2022

Attn: Tony D'Amico
District Manager (Acting), Inspection Services
Toronto and East York District
95 The Esplanade – Ground Floor
Toronto, Ontario M5E 2A2
(416) 338-1215

Dear Mr. D'Amico

Re: 1 Swansea Mews, Toronto, Ontario
Toronto Community Housing (TCH)
Order to Remedy Unsafe Building
 # 22 152852 UNS 00 VI (May 27, 2022)
Site Visit Report #2

WSP Building Structures team was retained by CS&P Architects, on behalf of Toronto Community Housing, to investigate the reported collapse of the concrete ceiling in the townhouse complex at 1 Swansea Mews in Toronto. Refer to the attached Site Visit Report dated May 30, 2022 for detailed observations and recommendations.

Branko Kraincanic, P.Eng (Structural) at WSP visited the site on June 10, 2022. The following is the summary of the observations made by WSP on site.

1. WSP and CS&P entered the following units: #70, #81, #82, #149 and #150, in order to perform the destructive testing of the ceiling panels. The testing involved cutting out a square portion of the ceiling panels (non-structural component) at the ribs of a randomly selected precast floor panel, and removing it from the panel by hitting with a 2lb hammer. If the marked piece of the panel fell off the panel by detaching from the rib of a precast panel, this would indicate that the selected precast panel was not constructed as one monolithic panel and that it's ceiling panel is prone to collapse, similar to the defective panel in Unit #19.

2. WSP and CS&P randomly selected and tested one precast panel at each level in each visited unit. One additional test was carried out in units #81 and #150.

3. Testing at selected panels in the units #81, #149 and #150 revealed that the selected precast panels were fabricated as monolithic panels. Other panels in these units were not tested at the time of the review, and WSP cannot ascertain as to the structural integrity of the ceiling portion of those panels.

4. Testing at selected panels at Level 1 in the units #70 and #82 revealed that the selected precast panels consist of a structural portion and a ceiling concrete panel bonded together into one panel, similar to the defective panel in Unit #19, and therefore **are deemed unsafe.** Testing at selected panels at the Level 2 revealed monolithic composition of the tested panels. Other panels in these units were not tested at the time of the review, and WSP cannot ascertain as to the structural integrity of the ceiling portion of those panels.

5. According to the original structural and architectural drawings, and according to the visits made by WSP to the townhouse units in the past 5 years on other occasions, the floor structure above the lowest level and at the roof level in all units consists of seven approx.1200mm wide concrete precast panels, placed next to each

other and supported at ends on the concrete masonry walls located between the units or at the exterior wall of the end units.

6. Shoring was present in all visited units, as per WSP's recommendations. All units were vacant during the visit.

Conclusions and recommendations:

1. Due to the noticed inconsistency in the applied construction techniques between the units, and even within the units, and due to the uniform appearance of the slab soffits in all units, it is impossible to determine the composition of the precast floor panels from a visual survey. It is also impossible to predict in which dwelling unit and when the next ceiling panel may collapse. The destructive testing has pointed to an uncertainty of the prevalence of this defective detail throughout the complex. Until other non-destructive or less intrusive destructive testing methods are developed, at this point, the destructive testing of each panel in each unit per the paragraph #1 in the Observations section above is the only way to confirm the integrity of any panel. No tests to such scale have been performed in any unit so far.

2. Taking into consideration all information obtained during the visits, our opinion is that the existing precast floor structures in all 154 TCHC townhouse units in the complex at Swansea Mews are unsafe for the purpose they are used**, and therefore entire complex has been rendered uninhabitable**. We recommend that the tenants be evacuated from all occupied units immediately.

3. From the structural point of view, the tenants may be allowed to return to their units if the shoring is provided throughout the units and at all levels. The purpose of the shoring would be to prevent the ceiling portion of any faulty precast floor panels from detaching from the floor panels. Other considerations to allow tenants to return to their units include: life safety, path to egress, etc.

4. In our opinion, the ceiling panels in faulty precast panels are not structural components of the floor panels and may be removed from the precast floor panels during the repairs without compromising their structural integrity and load bearing capacity. Further testing is required to determine a long-term course of action.

We trust that the provided information satisfies your needs. Please call our office if you need any other information.

Yours truly,

WSP Canada Inc.
Branko Kraincanic, P.Eng
Senior Structural Engineer
Branko.Kraincanic@wsp.com
416-640-4877

Cc : CS&P Architects – Maureen O'Shaughnessy
Toronto Community Housing – Noah Slater

Attachments:

- Site Visit Report (May 30, 2022)

This is **Exhibit G** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

June 12, 2022

Noah Slater
Senior Director,
Capital Planning, Design & Engagement
Toronto Community Housing
35 Carl Hall Rd, Toronto, ON M3K 2B6

Dear Noah,

RE: Swansea Mews, Toronto, ON **RJC No. TOR.133586.0001**
Hollow Core Panel Review
Findings and Recommendations

1.0 INTRODUCTION

Read Jones Christoffersen Ltd. (RJC) was authorized by Toronto Community Housing to perform a review of the precast hollow core floor panels at the residential townhome complex of Swansea Mews in Toronto, Ontario.

Based on the information provided at the time of our first correspondence, a section of the concrete ceiling collapsed within Unit 19 of the complex.

2.0 BRIEF DESCRIPTION OF BUILDING

The property at Swansea Mews consists of 154 stacked townhouse units divided into 9 blocks. The property is located just to the north-east of the intersection of The Queensway and Windermere Ave. The site is accessed via Swansea Mews which is a private road on the east side of Windermere. Ave. The property consists of a single level parking structure accessed off Swansea Mews and off The Queensway. The stacked townhomes are located directly adjacent to the parking structure and are each two-stories tall making up the 4 storey blocks throughout the site. The ground floor of the lower units are located at approximately the same elevation as the parking level. The 2nd floor of these units are located at the parking garage roof slab elevation. Access to the lower units is typically from on-grade walkways around the site. Access to the upper units is typically from the surface of the parking garage roof. It is our understanding that the building was constructed circa 1972.

The building appears to be of a combination of cast-in-place concrete construction, precast concrete construction and masonry construction. The foundation for the structure (both the parking garage and townhomes) consists of concrete caissons with concrete grade beams spanning between the

caissons. The driving surface of the parking garage typically consists of a concrete slab-on-grade. The roof of the parking garage consists of long span precast double tees that span between the outside foundation walls of the parking structure. The precast double tees are typically 2'-6" deep and 8'-0" wide and are topped with a 2-1/2" thick concrete topping reinforced with welded wire mesh.

The first floor of the townhouses consists of a 5-inch thick normally reinforced cast-in-place concrete slab that spans between grade beams but is cast directly on grade. This slab was designed to support a dead load of 65 psf and a live load of 65 psf.

According to the original structural drawings, the 2nd, 3rd, and 4th floors of the townhouses consists of an "8-inch thick hollow core precast slabs". These slabs were designed to span the full width of a unit from party wall to party wall. There appear to be shorter sections of precast slabs where floor openings for stairs are located. The party walls from the surface of the 1st floor slab to the underside of the 2nd floor slab appear to be cast-in-place normally reinforced concrete walls that are 8-inches thick. Above the 2nd floor slab, the party walls appear to be 8-inch thick concrete block. These slabs were designed to support a dead load of 75 psf and a live load of 40 psf. No cross sections or additional information was provided about the hollow core precast panels other than their thickness and required load carrying capacity.

The roof of the townhouses consists of an "8-inch thick hollow core precast slab". This slab was designed to span the full width of a unit from party wall to party wall. The slab was designed to support a dead load of 55 psf and a snow load of 40 psf.

The exterior walls of the townhomes typically consists of masonry construction with the assembly consisting of 4-inch brick face, 4-inch concrete block wall with the interior face of the block parged, rigid insulation, vapour barrier and drywall.

2.1 DOCUMENT REVIEW

The following drawings were made available for our review:

- Architectural drawings A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 and A14 dated 1972 prepared by Henry Fliess Architect. These drawings bear the stamp of Henry Fliess Architect a member of Ontario Association of Architects.
- Structural Drawings S1, S2, S4, S5, S6, and S7 dated from 1972 to 1973 prepared by E.N. Onen & Associates Ltd. Structural Engineers. These drawings bear the stamp of E.N. Onen a Registered Professional Engineer licensed to practice in Ontario
- Several other renovation drawings for various projects since the time of original construction

2.2 TESTING/WORK UNDERWAY

The following work within the units and testing of the precast panels has been undertaken to date:

- Under the direction of WSP Canada, a shoring program has been implemented within the site. It is our understanding the shoring is divided into two parts, namely, temporary shoring to provide safe access to complete engineering review and testing, and longer term shoring designed to permit safe occupancy of units.
- Under the direction of WSP Canada, electromagnetic testing of the underside of the precast concrete panels is taking place with the intention of detecting conditions within the slab that would suggest a failure could occur. It is our understanding the current plan is to test 100% of the underside of all the hollow core precast panels within the site.
- Under the direction of WSP Canada, destructive testing of the underside of the precast concrete panels is taking place to both identify panels that may be at risk of failure and to correlate the electromagnetic testing with observations on site. It is our understanding that the current plan is to test approximately 10% of the precast panels within the site.
- Although not related to the panel investigation, it is our understanding the finish on the underside of the precast panels contains a designated substance. Abatement of this material is being completed at all destructive testing locations prior to concrete removals proceeding.

3.0 DESCRIPTION OF FIELD WORK AND RESULTS

RJC visited the site on the following dates and accessed the units noted:

- Monday, May 30, 2022 (accessed units 19, 27 and 28)
- Wednesday, June 8, 2022 (accessed units 71 and 75)
- Friday, June 10, 2022 (accessed units 70 and 82)

The following observations were made within the units:

Unit 19:

It is our understanding on the evening of May 26, 2022 or early in the morning of May 27, 2022 a sudden failure of the concrete soffit (i.e. the underside of the 3rd floor of the townhouse – Unit 20) occurred. A section of the underside of the hollow core precast panel approximately 10 feet long, by 4 feet wide and 1-1/2 inches thick feel (Refer to Figures 1 and 2 below).

Figure 1: Section of Panel that fell

Figure 2: Underside of Preacast Panel

Based on our observations, we note the following within this unit:

- The section of soffit that collapsed does not appear to be reinforced with the exception of two 10M bars located right at the failure point but within the section of soffit that did not fall

Figure 3: Edge of soffit at failure line (note reinforcing steel)

- There appears to be a distinct cold joint at the underside of the stems within the precast panel. The underside of these stems have uniform and almost 'finished' appearance with a completely uniform and flat failure plane. At the failure plane, no signs of exposed aggregate within the concrete matrix were visible.
- The interior voids within the precast panel appear to have a gravel or sanded finish and they voids are not round (typical of most hollow core slabs)
- We did not observe any reinforcing or other physical connection means that extend from the stems into the soffit panel
- This panel is not located such that any portion of it is exposed to the elements (i.e. not adjacent to an exterior wall and it is not a roof panel). There was no evidence of water leakage either at the joints between panels or within the panel.

Within the adjacent panel, a core sample was taken on the soffit. RJC observed that core was extracted to a depth that exposed a prestressing strand within the precast panel. A clean bond line was not observed at this location, however, we did not observe the coring nor did we see the removed section of concrete to confirm that the core did not break in two locations (i.e. at the prestressing strand and in a similar location as the panel that failed). Refer to Figure 4 below.

Figure 4: Core sample at adjacent panel to the failed panel in Unit 19

Unit 27/28:

RJC was provided access to review the precast concrete panels within these two units. These units were vacant at the time of our review. Further, it is our understanding that several areas of destructive testing were completed within the soffit of the precast panels within these units.

Based on our observations, we note the following within this unit:

- Similar to the core location within Unit 19, concrete was removed to a point that exposed a prestressing strand within the precast panel. A clean bond line was not observed at this location – again, we did not observe the destructive testing nor did we see the removed section of concrete to confirm that the concrete did not break in two locations (i.e. at the prestressing strand and in a similar location as the panel that failed). Refer to Figure 5 below.
- At one of the concrete removal locations, one section of the hollow core of the precast panel appeared to be filled with a stone/sand mix (likely illustrating how the panel was constructed)
- No reinforcing within the slab soffit was observed within the test opening location

Figure 5: Destructive testing showing no cold joint

Unit 71/75:

RJC was provided access to review the precast concrete panels within these two units. These units were vacant at the time of our review; however, other than shoring and abatement, not destructive testing had been completed at the time of our review.

Unit 70/82:

Based on our observations, we note the following within this unit:

- At one test opening location in Unit 82, there appears to be a distinct cold joint at the underside of the stems within the precast panel. Again, the underside of the visible stem has a uniform and almost 'finished' appearance with a completely flat failure plane. At the failure plane, no signs of exposed aggregate within the concrete matrix were visible.
- Within Unit 70, only a section of the test opening was completed, however the concrete came apart at a distinct cold joint at the underside of the stems (similar to Unit 19). Again, the underside of the visible stem has a uniform and almost 'finished' appearance with a completely flat failure plane. At the failure plane, no signs of exposed aggregate within the concrete matrix were visible. A clear joint can be seen between the stem and soffit.

Figure 6: Test opening within Unit 82

Figure 7: Test opening within Unit 70

3.1 TESTING/WORK UNDERWAY

Although we have not been provided with formal reporting for the results of the electromagnetic testing, it is our understanding that testing was completed within Units 70 and 82. These units had the most recent test openings and the openings showed similar construction of the hollow core precast panels as the failed panel in Unit 19. The electromagnetic testing did not identify these panels as having any concerns.

4.0 CONCLUSIONS/DISUCSSION

Based on the information obtained to date, we are of the opinion the failure of the panel within Unit 19 was the result of an unexpected and unpredictable separation of the soffit from the stems of the panel. Although the panels have been in place for over 50 years without any issues reported prior to this failure, destructive testing indicates a very serious construction flaw in some of the panels. Any panel where the concrete soffit is not monolithically poured with the stems of the panel is at risk of a similar and sudden failure.

The hollow core precast panels throughout the residential units of the site consist of an atypical design in which the panel was not monolithically cast. It appears the panels were cast similar to a sandwich panel in which the panel soffit and stems are cast together. The hollow cores are created utilizing a sand/stone mix. These sections of panels are delivered to site and a reinforced concrete topping is poured on site. It is possible a similar system was utilized to produce a full precast panel where the topping was applied prior to delivery to site. In this scenario, the installer must install the panels with the topping facing up as there would be no structural connection between the concrete topping and the stems (other than a concrete to concrete bond). In our opinion, two conditions exist throughout the site:

panels installed correctly with the topping on the top of the slabs, and panels installed upside down with the topping now on the underside of the panel.

In our opinion, until destructive testing is complete on every precast panel within the site and we have physical evidence to determine if this cold joint exists on the panel soffit, there is no means to determine how widespread this issue is. In our opinion, occupancy of the building must be removed immediately and the building remain unoccupied until sufficient information exists to clearly identify that all the panels within each unit are installed without this cold joint on the soffit or sufficient repairs have been completed to remedy the situation. The risk of sudden failure poses an imminent and serious health and safety risk to all occupants and action is required immediately.

5.0 RECOMMENDATIONS

Based on the results obtained from our evaluation to date with respect to the condition of the hollow core precast panels, destructive testing at the soffit of every precast panel of the building is required to determine the full extent of the problem. Additionally, we recommend destructive testing on the surface of panels where the soffit was found to not be monolithically cast with the rest of the panel. This testing will provide additional information with respect to the as-built condition and help to confirm or deny that the panel was cast in two pours but installed incorrectly.

Unfortunately, the proposed non-destructive electromagnetic testing does not appear to be a reliable method to identify panels with this problem, as such we recommend discontinuing the electromagnetic testing and only rely on destructive testing for panel verifications. Any previous conclusions made based on the electromagnetic testing should be excluded from consideration. Although it will take some time to complete this testing and be very disruptive to the building, we do not believe there is any other method to draw conclusions about the structure that can be relied upon.

While destructive testing is being undertaken, further engineering analysis should take place to determine possible remedial repairs or actions that can be taken (if even possible).

6.0 CLOSING REMARKS

We would like to reiterate that action be taken to immediately remove occupancy of the building until destructive testing confirms that all panels within a unit are not at risk of sudden failure of the soffit. Any delays in doing so will only result in increased risk of a soffit failure which poses a serious health and safety concern.

We trust this information is complete and self-explanatory; however, if you should have any questions or concerns, please do not hesitate to call.

Yours truly,

READ JONES CHRISTOFFERSEN LTD.

James Cooper, P. Eng., LEED® AP
Principal
Building Science and Restoration

This is **Exhibit H** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

64

TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Order Number: 22 160823 UNS 00 VI

Date Order issued: June 12, 2022

Address to which Order applies:
21 WINDERMERE AVE

Application/Permit Number:
N/A

Order issued to:

TORONTO COMMUNITY HOUSING CORPORATION
C/O NOAH SLATER
931 YONGE ST 3RD FL
TORONTO, ON M4W 2H2
CANADA

An Inspection on or about Jun 12, 2022 at the above referenced address found the building to be in an unsafe condition as defined in Sentence 15.9 (2) of the Building Code Act, 1992.

You are hereby ordered to take the required actions itemized below immediately, or by the dates listed below.

Item	Reference	Description and location	Required action and compliance date
1	BCA 15.9(2)	On May 27, 2022 a section of the concrete ceiling collapsed in unit 19 and an Order to Remedy Unsafe Building was issued. Subsequently, Toronto Community Housing Corporation ("TCHC") has provided to Toronto Building reports prepared by Branko Kraincanic, P.Eng, of WSP Global Inc. dated May 30, June 10 and June 12, collectively "the Engineers Reports". The professional engineers reports have concluded that the that the 154 townhouse units at the Swansea Mews complex are in a condition that are unsafe for the purpose they are used.	As the occupancy of the building has been prohibited by Emergency Order bearing the number 22-160825 ECO 00 VI, you are hereby ordered to do the following actions: 1. Immediately, the Structural Engineer must formulate a repair methodology that will alleviate the unsafe conditions identified in the Engineer's Reports as to reinstate the occupancy; 2) By June 17, 2022 provide to Toronto Building, for review, an engineer's report outlining the repair methodology as to alleviate the unsafe conditions in the townhouse units; the report shall clearly identify the specific work that must be completed in order to allow safe re-occupancy of the units and include timeframe's for completing the work 3) Immediately, carry out the remedial measures under the direction / supervision of the engineer; 4) You are required to notify the CBO, in writing, when each unit is safe of re-occupancy. 5) Following the completion of all work prescribed by the engineer, you are required to provide the Chief Building Official with a final report from the engineer confirming that all remedial measures for each unit have been completed to the satisfaction of the professional engineer and that all unsafe conditions have been remedied. Continued on Page 2

65 TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Item	Reference	Description and location	Required action and compliance date
			Continued from Page 1 Note: A building permit is required if the scope of work (demolition and/or construction) prescribed by the engineer extends beyond that required to remove the unsafe condition.

Order issued by:

Signature	Tony D'Amico	BCIN	18924	Telephone	416-338-0700
Name	Tony D'Amico, District Manager, Inspections			Facsimile	416-696-4151
Address	Toronto Building Division, 95 The Esplanade Ground Floor Toronto, ON M5E 2A2				

Note:

- The Signature above is the unique electronic signature of Tony D'Amico, it can only be added by Tony D'Amico and was produced after Tony D'Amico electronically authenticated this document.
- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [Building Code Act,1992 s. 20]
- An Order may be appealed to the Superior Court of Justice. [Building Code Act, 1992 s. 25]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [Building Code Act, 1992 s. 24]
- Failure to comply with this Order is an offence which could result in a fine. [Building Code Act, 1992 s.36]

This is **Exhibit I** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

CS&P Architects

Field Review Report

Project: Swansea
Precast Slab Failure

General Contractor: TCHC
Noah Slater

Project No.: 22010

Permit No.: N/A

Date of Visit(s): 14 Jun 2022

Attending: Victor Peralto - CS&P
Branko Kraincanic - WSP
Noah Slater - TCHC
Jamie Mammoliti - TCHC
Linda Lam - TCHC

Weather:

Report Date: 15 June 2022

Report By: Victor Peralto

Report:

During the course of this site review for the captioned project, the following observations were made and the noted instructions were issued. It should be noted that this review report pertains to the project's architectural elements and that the reports of the other engineering disciplines should also be considered.

Units 6, 12, 64, 71, 75, 102 and 104 were visited on Tuesday June 14, 2022. Destructive tests were conducted in each floor of each unit.

1.1 Unit 6, lower level – panel was removed by the contractor – failure is present – clean separation between underside of rib and bottom of panel.

CS&P Architects

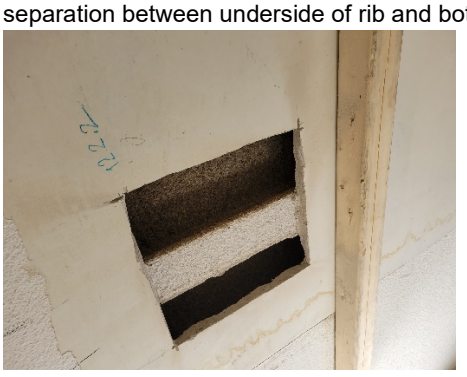
Field Review Report

Continued

1.2 Unit 6, upper level – panel not cut – not tested.

1.3 Unit 12, lower level – panel was removed by the contractor – failure is present – clean separation between underside of rib and bottom of panel.

1.4 Unit 12, upper level – panel was removed by the contractor – failure is present – clean separation between underside of rib and bottom of panel.



CS&P Architects

Field Review Report

Continued

1.5 Unit 64, lower level – panel was removed by the contractor – failure is present – clean separation between underside of rib and bottom of panel.

1.6 Unit 64, upper level – panel was removed by the contractor – failure is present – clean separation between underside of rib and bottom of panel.

1.7 Unit 71, lower level – panel remained intact – underside did not separate from the rib.

CS&P Architects

Field Review Report

Continued

1.8 Unit 71, upper level – panel remained intact – underside did not separate from the rib.


1.9 Unit 75, lower level – panel remained intact – underside did not separate from the rib.


1.10 Unit 75, upper level – panel remained intact – underside did not separate from the rib.


CS&P Architects

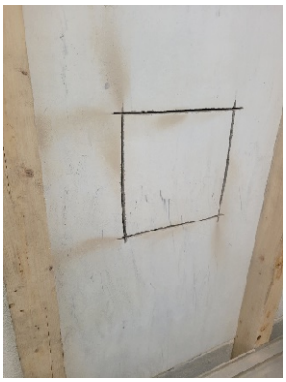
Field Review Report

Continued

A joint between the bottom panel and rib appears to be present:

1.11 Unit 102, lower level – panel remained intact – underside did not separate from the rib.

1.12 Unit 102, upper level – panel remained intact – underside did not separate from the rib.



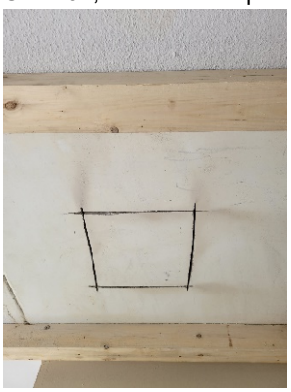
CS&P Architects

Field Review Report

Continued

A joint between the bottom panel and rib does not appear to be present:

1.13 Unit 104, lower level – panel remained intact – underside did not separate from the rib.



Evidence of joint – not conclusive:

CS&P Architects

Field Review Report

Continued 1.14 Unit 104, upper level – panel remained intact – underside did not separate from the rib.

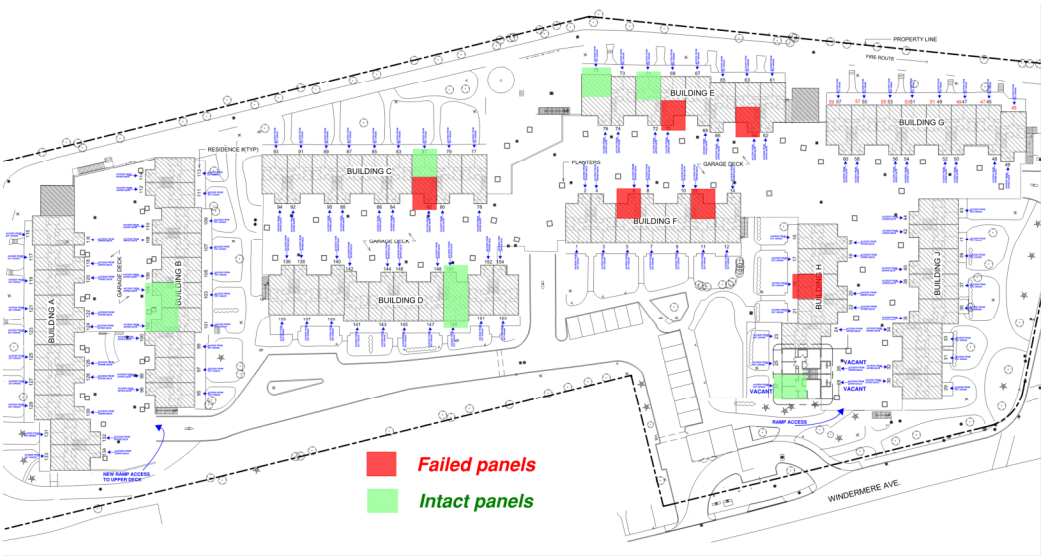
A joint between the bottom panel and rib does not appear to be present:

CS&P Architects

Field Review Report

Continued

2 The following Site Plan indicates locations of Units tested and where defective slabs are known to be present. All units tested to date have been vacant units with exception to 19 where the incident occurred.

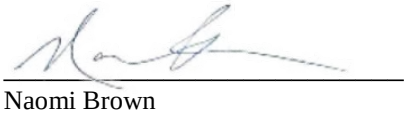


3 Due to the random nature of the defective slabs destructive testing will continue in vacant units.

Reported by:
Victor Peralto

Distribution:
All Present
Maureen O'Shaughnessy- CS&P
James Cooper - RJC

This is **Exhibit J** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.



Naomi Brown
A Commissioner for taking Affidavits, etc.

William Johnston, P.Eng.
Chief Building Official &
Executive Director

Tracey Cook, Deputy City Manager
Infrastructure & Development Services

Toronto Building
City Hall
12th Floor, East Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-397-4446

Email:
will.johnston@toronto.ca
www.toronto.ca

June 16, 2022

Toronto Community Housing Corporation
931 Yonge Street, 3rd Floor
Toronto, Ontario
M4W 2H2

Attention: Jag Sharma, Chief Executive Officer
Noah Slater, Director, Capital Planning, Design and Engagement

RE: Swansea Mews; 21 Windermere Ave. Emergency Order and Order to Remedy Unsafe Condition dated June 12, 2022

I am writing further to the Orders issued by Toronto Building to TCHC on June 12, 2022 regarding the Swansea Mews building complex. More specifically, an Order to Remedy Unsafe Condition (Order No. 22 160823 00 VI)(the "Unsafe Order") was issued pursuant to section 15.9 of the *Building Code Act, 1992* along with an Emergency Order (Order No. 22 160825 ECO 00 VI)(the "Emergency Order") which was issued pursuant to s. 15.10 of the Act. The Emergency Order prohibited occupancy and use of the 154 townhouse units at the property effective immediately. I understand, however, that many of the units at the property are still occupied.

I am writing to express the City's concern about the fact that units at the complex are still occupied contrary to the Emergency Order. While I appreciate that steps are being taken to facilitate compliance with the Emergency Order, to date there has not been full compliance with the Order. We would therefore ask that you advise us immediately as to how many units have been vacated, how many are still occupied, and which specific units currently remain occupied. We require you to inform us as to what steps have been taken to ensure the safety of the tenants who still occupy their units and the specific steps you are taking to ensure that the remaining units are vacated in accordance with the Emergency Order.

We further emphasize that occupancy has been prohibited on a temporary basis and only until such time as the necessary work is undertaken to render the units fit for occupancy. As you are aware, the Unsafe Order requires you to provide to Toronto Building, by **June 17, 2022**, a further engineer's report outlining the repair methodology involved in alleviating the unsafe conditions in the townhouse units, clearly identifying the specific work that must be completed in order to allow safe re-occupancy of the units, and providing the timeframes for completing the work. We trust that you will be providing this report by the stated deadline for our review.

I also note that the Unsafe Order requires you to notify the Chief Building Official in writing when each individual unit is safe for re-occupancy.

Please be advised that if full compliance with the Emergency Order is not achieved imminently, the Chief Building Official will have no choice but to proceed with an application to the Superior Court of Justice for an Order enforcing the Emergency Order.

As we have indicated in earlier communications, as owner of the property, TCHC is responsible for ensuring the safety of the tenants and all who enter onto the property.

Should you have any questions or concerns, please feel free to contact myself or my Deputy Chief Building Official, Mr. Kamal Gogna.

William M. Johnston, P.Eng.
Chief Building Official and Executive Director

CC: Tracey Cook, MBA, Deputy City Manager, Infrastructure and Development Services
Paul Johnson, Deputy City Manager, Community Services
Kamal Gogna, P.Eng. Deputy Chief Building Official
Naomi Brown, Solicitor, Legal Services

This is **Exhibit K** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

June 17, 2022

William Johnston, P. Eng.
Chief Building Official & Executive Director
Toronto Building
City Hall, 12th Floor, East Tower
100 Queen Street West
Toronto, ON M5H 2N2
E: will.johnston@toronto.ca

VIA ELECTRONIC MAIL

Dear Mr. Johnston:

Re: Swansea Mews; 21 Windermere Ave. Emergency Order and Order to Remedy Unsafe Condition dated June 12, 2022

I acknowledge receipt of your correspondence of June 16, 2022 in relation to the above noted matter. Toronto Community Housing is continuing its efforts to facilitate compliance with the Orders issued by Toronto Building to Toronto Community Housing on June 12, 2022 regarding the Swansea Mews building complex. More specifically:

- an Order to Remedy Unsafe Condition (Order No. 22 160823 00 VI)(the "**Unsafe Order**") which was issued pursuant to section 15.9 of the *Building Code Act*, 1992; along with
- an Emergency Order (Order No. 22 160825 ECO 00 VI)(the "**Emergency Order**") (collectively the "**Orders**").

Toronto Community Housing shares the City's concern that units at the complex are still occupied contrary to the Emergency Order. Toronto Community Housing is continuing its efforts to facilitate compliance with the Emergency Order as a consequence of those concerns. Upon receipt of the Orders, Toronto Community Housing immediately undertook to notify tenants of their having been issued. In fact, our efforts commenced shortly after 10 p.m. on the evening of June 12, 2022, when Building staff arrived at Swansea Mews with a copy of the Orders for distribution. Our efforts were, however, short-lived in light of a negative response from Swansea Mews tenants to our efforts in this regard. Nevertheless, we reengaged in this work on Monday, June 13 and a copy of the Emergency Order was distributed to all tenants of Swansea Mews, in accordance with its terms.

Prior to the issuance of the Orders, on May 27, 2022, Toronto Community Housing had retained WSP, through CS&P Architects Inc., as third-party engineering consultants to assist in its response to the ceiling collapse that occurred at Swansea Mews (the "**May 27 Incident**") that gave rise to the Orders. On May 31, 2022, Toronto Community Housing mobilized its Emergency Response Plan as a response to the May 27, 2022 Incident. On that same date, Toronto Community Housing established an Incident Working Group, located at the Swansea Mews Development, in order to effect the on-site response to the May 27 Incident. Staff assigned to the Incident Working Group continue to attend at the Swansea Mews Development, on a daily basis, in order to educate Toronto Community Housing tenants in relation to the risk associated with their continued presence at the site and to advocate that they relocate to temporary accommodations secured for them by Toronto Community Housing. In light of Toronto Community Housing's ongoing concerns with respect to the May 27 Incident, on June 1, 2022, Toronto Community Housing staff briefed staff with the City of Toronto's Office of Emergency Management ("**OEM**") in relation to the May 27 Incident and Toronto Community Housing's response thereto.

Occupied, Shored & Vacant Units

In response to your specific request for an update on the occupancy status of the Swansea Mews units that have been vacated, how many are still occupied, and which specific units currently remain occupied, I can advise as follows:

- In total, there are one hundred and fifty-four (154) units in the buildings located in the Swansea Mews development that are impacted by the Orders.
- One (1) of the units is used as an office for staff working at Swansea Mews.
- At the time of the May 27 Incident, thirty-seven (37) units were vacant and one hundred and sixteen (116) units were occupied.
- Since the May 27 Incident, an additional twenty-nine (29) units have been vacated by Swansea Mews tenants.
- Of those units that are impacted by the Orders, sixty-six (66) units are vacant as of the date of this correspondence, including those already vacant on May 27, 2022. This represents forty-two (42%) percent of total units.
- Sixty-two (62) units are Shored or in progress, representing forty (40%) percent of the total units.
- This leaves ninety-two (92) units without Shoring, representing sixty (60%) percent of the total units.
- Of those ninety-two (92) units without Shoring, eighty-five (85) are presently occupied.

The attached spreadsheet provides a detailed breakdown of Swansea Mews units that are presently vacant, occupied and shored.

This is current as of the morning of Thursday, June 16, 2022.

Shoring: The shoring set up is as follows:

- Pre installation preparation work including hazardous material cleaning and preparation
- Shoring is set up
- Post installation clean up and air sample testing as required. This is a precaution against possible damage to the sprayed ceiling finish which contains asbestos materials according to our reports. A hazardous material consultant (Safetech) has been hired to dictate procedures.
- We have five contractors on site with crews:
    - Trinity Services Inc.
    - Uniqueco Building Restoration
    - PSP General Contractors
    - APlus General Contractors
    - Alltra Building Restoration
- It takes one crew approximately one day to set up shoring for a unit. We are mobilizing as many crews as possible as units become available.
- Hazardous material activities are being performed by certified contractors.
- The shoring has been designed to provide protection against a similar failure or detachment of the panels' bottom face as occurred in the partial ceiling collapse on May 27.
- The engineering team has confirmed that the shoring acts independently per floor, which allows us to clear single units regardless of their position in the stacked-townhouse condition.

Destructive Testing:

The destructive testing includes a number of processes:

- asbestos abatement of the ceiling spray finish
- careful surface cutting of the panel's bottom along areas marked out by the engineers - which leaves the panel scored, but intact
- the engineering team breaks open the area and visually and physically inspects the connection at a panel's underside

The work was being carried out in unoccupied units with a target of 10% as an initial sample, the consulting group is now aiming for a sample size that is sufficiently large to be satisfied that the two-piece, bond without reinforcing is the composition of the panels typically, throughout the development. To this end, the consulting group is seeking to undertake a sampling of all available vacant units. This will result in a sample size of approximately 20%.

Toronto Community Housing has performed destructive testing at 14 units (44% of our target 32 units). The balance is scheduled to be completed on June 17.

The latest round of destructive testing seems to indicate that all panels may have been constructed in a similar way to the failed panel of Unit 19; a two-part, bonded assembly with a “cold joint” between.

Electromagnetic Scanning:

- The destructive testing has indicated that electromagnetic scanning, alone, is insufficient in determining whether or not a panel may be subject to failure.
- The engineering team has ceased electromagnetic scanning.

Finally, investigations into the core slab failure are ongoing and plans for any potential remediation continue to be explored. However, the exploration to date has not resulted in any reliable method for remediating the panels. We have engaged an engineer who specializes in precast structures to review the failure. He will be visiting the site on Saturday, June 18, 2022, to finalize his report.

In relation to your request for advice regarding the specific steps that Toronto Community Housing is taking in order to ensure the safety of the tenants who still occupy their units and the specific steps it is taking to ensure that the remaining units are vacated in accordance with the Emergency Order, I can advise as follows:

Tenant Emergency Shelter:

- Toronto Community Housing has been offering tenants Emergency Shelter at no cost at dorm rooms and hotels since June 4, 2022. We believe that, at present, we have sufficient temporary housing to make every household safe based on what tenants have reported to be their household composition in in their leases
- We currently have agreements with:
    - Humber College
    - Toronto Metropolitan University
    - Another university (pending)

  and various hotels in Toronto, Mississauga and Vaughan.
- Some tenants were concerned about leaving pets behind or boarding pets Toronto Community Housing sought to arrange for pet-friendly hotel accommodations for families. Toronto Community Housing maintains some pet friendly units, this requires consistent follow up. In addition to those units that are maintained by Toronto Community Housing we took the following steps to secure temporary housing for displaced tenants:
    - On June 10th Toronto Community Housing made four (4) pet friendly units available to tenants. We received no interest from tenants in these units.
    - On June 14th a post-secondary institution through which we secured temporary housing agreed to modify the agreement allowing pets in controlled environment

- On June 15th we secured 6 addition pet friendly units through Holiday Inn.

- Following its June 1 engagement of the OEM, Toronto Community Housing reached out to the OEM again on Friday June 10, 2022 to ask it to assist with providing shelter to tenants. OEM's response was able to provide Toronto Community Housing with contact information for individuals at Toronto Metropolitan University, York University and Holiday Inn.
- Toronto Community Housing's efforts to secure temporary accommodation is resulting in a constantly changing allocation of units for tenants displaced from Swansea Mews. As a consequence, the following information should be considered as reflective of a snapshot in relation to the outcome of our efforts in this regard. It does, however, provide some sense of scale:
  - 32 households are temporarily housed in 70 units at Humber College. Our arrangement with Humber concludes on June 27;
  - 2 households have been allocated to units at Centennial College secured as temporary housing;
  - 30 suites have been secured as temporary housing at Toronto Metropolitan University. Given the size of those units and the size of the affected households, one unit does not equate to one household;
  - Four of ten hotel rooms, secured by Toronto Community Housing as temporary tenant housing are presently assigned to displaced households;
  - 152 rooms have been secured at a post-secondary institution through which we secured temporary housing and, at present, two households have been assigned to that location.
- Toronto Community Housing has arranged and/or is trying to arrange for bussing (to and from Swansea Mews for school bus pick-up and drop off), food, and laundry services at all of the temporary shelter locations to accommodate tenants and lessen the impact of the emergency relocation of tenants.

Tenant Relocation (long term):

- Based on tenant concerns, many of which are further outlined below, Toronto Community Housing has engaged its formal Relocation process where tenants are offered moves to other residential units across Toronto Community Housing's portfolio. Tenants who move will have the right to return to Swansea Mews once the repairs are completed if they wish to do so.
- Toronto Community Housing is only able to offer units that it has available (those that are vacant and ready for occupancy) and that are the correct size for the households in question (the units at Swansea Mews are 3- and 4-bedroom units and it is harder to find vacancies of this size in the portfolio. We cannot create a

situation of overcrowding contrary to the Occupancy Standards set out in Chapter 629-25 of the Municipal Code). Toronto Community Housing has identified 94 units to offer to Swansea Mews residents for Relocation. We continue to hold units for Swansea Mews tenants as they become vacant.

- Some agreements for temporary shelter in dormitories are set to expire shortly. We do not want anyone who has already left Swansea Mew to move back. As such we are prioritizing relocating people from these locations first—in addition to persons who cannot stay in temporary shelter locations due to a *Human Rights Code* protected need.
- The first round of tenants was provided with a list of potential units to relocate to on the morning of June 16, 2022. We will match tenants to units and will begin the moving process as soon as tenants have signed leases for their new units.
- Moving costs will be paid for by Toronto Community Housing (boxes, tape, movers, moving insurance, etc.).

The Relocation process referenced above is being administered through two phases. The focus of our first phase of the process is displaced tenants who are currently housed at Humber College. As the arrangement that we have made with Humber expires on June 27, we are doing everything within our power to facilitate their move to a Relocation unit. I would reiterate that tenants who move to a Relocation unit will have the right to return to Swansea Mews once the repairs are complete if they wish to do so.

This Relocation process is characterized by abbreviated timelines that are intended to expedite the movement of displaced tenants. The Relocation Process initiated by Toronto Community Housing requires Swansea Mews tenants currently housed Humber College to identify their preferred Relocation option by Monday, June 20, 2022 at 10 AM. Toronto Community Housing will, based on the preferences identified, offer Relocation to displaced tenants the same day. Tenants will then have until noon on June 22, 2022 to either accept or reject Toronto Community Housing's offer. A second round of the relocation process, encompassing all tenants of Swansea Mews either in temporary accommodations or remaining in their unit at Swansea Mews will be initiated on Thursday June 23 with Relocation offers being ready on June 29, 2022.

There are legal and human constraints on our ability to force the tenants to leave.

Legal Limitations on Toronto Community Housing

As a landlord, Toronto Community Housing is limited in what actions it can take to force tenants to leave their units. Its authority in this regard is not enhanced by the Orders.

The *Residential Tenancies Act, 2006* dictates the circumstances under which a Landlord can require tenants to vacate their units due to required repairs. These rules are set out in sections 30, 50, 53-54, 69 and 73 of the Act and dictate, among other things, that:

- Tenants must be given notice at the end of a term (for us the end of a month) that is at least 120 days away from the date the notice is given. The end date is called the "**termination date**";
- If tenants do vacate their unit by the termination date, landlords must then apply to the Landlord and Tenant Board and attend a hearing to prove that the tenancy should be terminated;
- After a hearing is concluded (which can take several months from the date of application to conclusion) the Board will issue an order either granting or denying the landlord's application;
- If the Landlord and Tenant Board orders termination of the tenancy, and the tenant still refuses to vacate the unit, the order could then be filed with the Sheriff for enforcement which adds more weeks or months of delay.

Per section 168(2) of the *Residential Tenancies Act* exclusive jurisdiction is given to the Landlord and Tenant Board to determine all matters in which jurisdiction is conferred on it by the Act.

The Act prohibits landlords from forcing tenants out of their units other than through the above process – even on a temporary basis (for example, the Act makes it an offence to change the locks on tenants without providing them with replacement keys).

The Court Enforcement Office (Sheriff) will not remove persons from their homes without a Landlord and Tenant Board order or Writ of Possession from a court directing them to do so.

In an effort to facilitate access to legal advice in relation to the actions that we are taking in order to encourage tenants to vacate the Swansea Mews development, Toronto Community Housing is in continuing contact with Parkdale Community Legal Services (PCLS). Unfortunately, a non-licensee member of PCLS staff is actively encouraging Toronto Community Housing tenants to continue to reside at Swansea Mews, notwithstanding the unsafe conditions that exist there. Toronto Community Housing's offers of temporary accommodation have not affected this behaviour.

Human Constraints

While both your office and Toronto Community Housing continue to repeat that the effect of the Orders is not to terminate tenancies and that we wish to ensure that displaced tenants continue to be Toronto Community Housing tenants through this process, tenants continue to see this language as an issue of semantics. They do not trust that they will be allowed to return to Swansea Mews in the near future. In this regard, Toronto Community Housing has:

- On June 2, 2022, established a dedicated email account so that tenants displaced as a consequence of the Orders could easily secure any information that they required; and
- On June 6, 2022, established a dedicated webpage: https://www.torontohousing.ca/swanseamews through which Toronto Community

Housing tenants displaced as a consequence of the Orders could easily secure any information that they required.

Despite several information sessions via Town Hall meetings, staff presence on site, door knocking, communication with Councillors, MPPs, Parkdale Community Legal Services, community groups and leaders, and other efforts to reach out to the community, tenants continue to express that they do not believe Toronto Community Housing is telling the truth about what has happened and why they need to leave.

Toronto Community Housing has convened two tenant Town Hall meetings, on June 7 and June 14, to communicate to tenants the risk to their safety that is inherent in their decision to continue to reside at the Swansea Mews development. I have attached, for your reference, a copy of the Engineering Report presentation made to tenants at the June 14 Town Hall meeting. I would, in this regard, highlight the following aspects of the presentation:

- the statement at slide thirteen that, in order to ensure the safety of tenants, every panel in every unit in the Swansea Mews development must be subjected to testing; and
- the statement at slide sixteen that the key first step to be taken in relation to Toronto Community Housing's plan to retrofit the Swansea Mews development is to get people to safety.

I will not recount, in this correspondence, the manner in which tenants of the Swansea Mews development received our presentation to them in this regard beyond noting that there appeared to be a general acceptance, by those tenants in attendance, that the development is unsafe. At the same time, I am enclosing with this correspondence a recording of the June 14 Town Hall for your reference.

When Toronto Community Housing was looking for emergency shelter options, it looked for locations as close as possible to the Swansea Mews community in order to minimize impacts on tenants. Unfortunately, we were unable to secure accommodation in close proximity. Toronto Community Housing has searched throughout the City of Toronto, Peel Region and Vaughan to try to accommodate tenants on an emergency basis. Tenants have also been advised that they are free to stay with friends and family on a temporary basis if they wish to do so.

Tenants have expressed the following concerns with the temporary shelter options:

- They are far away (especially the ones that accommodate pets)
- They do not allow large families to room together (e.g., dorms at Humber are small such that parents may be separated from some of their children in adjacent rooms)
- The meal plans at some of the locations are unacceptable for religious or other reasons (e.g., Humber provides access to their cafeteria and meal plan + Toronto Community Housing provided $25 gift card per person per day for food)
- Where no meal plan existed, Toronto Community Housing has been providing $50 per person per day for food, but some tenants advised they felt this sum was insufficient

- Persons with certain disabilities cannot relocate to temporary shelter. Toronto Community Housing is committed to accommodating tenants in accordance with its obligations under the *Human Rights Code*. Where tenants have identified that they have a *Human Rights Code* protected need, Toronto Community Housing has been working with them to understand their restrictions and abilities in order to find either temporary emergency shelter or long-term accommodations that meet their *Code* protected their needs.

We have been working diligently with tenants through our Town Hall meetings, via our dedicated Swansea Mews hotline and via the presence of increased staff on site to try to answer questions and rebuild trust in the community. To date, our continuing efforts have not resulted in decisions by tenants to vacate their units at Swansea Mews.

Given the high level of mistrust in the community and the length of time it would take to vacate units through Landlord and Tenant Board notices, we have focused on an education campaign and attempted to secure immediate evacuation that way. We do have concerns that serving Landlord and Tenant Board termination notices at this time might serve to further enflame the community, further entrench people and be counter-productive in our efforts to evacuate the community.

It is clear that this is a challenging circumstance, given the complex and competing factors that inform the manner in which we respond to the May 27 Incident and the Orders. As I stated earlier, Toronto Community Housing shares the City's concern that units at the complex are still occupied contrary to the Emergency Order. At the same time, the tenant community at Swansea Mews does not appear to trust Toronto Community Housing or to accept its advice regarding the manner in which they should respond to the Orders. This apparent distrust appears based on historic grievances regarding the condition of the property, individual disputes and the advice of external parties. Safety continues to be our priority. Given these challenging and, to some degree, competing concerns, should your office conclude that the best course of action through which to ensure that the buildings are vacated pursuant to the Orders is through a Superior Court application, Toronto Community Housing will support that approach. We do not take this decision lightly. We have heard from Swansea Mews tenants that the Orders are disruptive to the reasonable enjoyment to which they are entitled. Indeed, some Toronto Community Housing tenants may be strongly resistant to this action, viewing it as an illegal eviction. We would, nonetheless, support these steps in the interest of tenant safety and with the undertaking and understanding that we will continue to work with tenants to ensure they have temporary emergency shelter and long-term housing while Swansea Mews is being repaired and the right to return to Swansea Mews once repairs are completed.

At the same time, Toronto Community Housing will continue our efforts to secure the agreement of Swansea Mews tenants to move from the Swansea Mews community, to stable relocation housing during the period that will be required to perform the remedial work that is necessary as a consequence of the Orders. We continue, in that regard, to identify opportunities for the City and other third parties to assist us with those measures. We trust that we will be able to rely upon you in that regard and I would take this opportunity to thank you, in advance, for that ongoing support.

Finally, I am forwarding the WSP's correspondence of June 16, 2022 providing its updated observations (signed and sealed) in relation to its ongoing investigations of the Swansea Mews site.

Yours truly,

Jag Sharma (he/him)
President & Chief Executive Officer
Toronto Community Housing Corporation

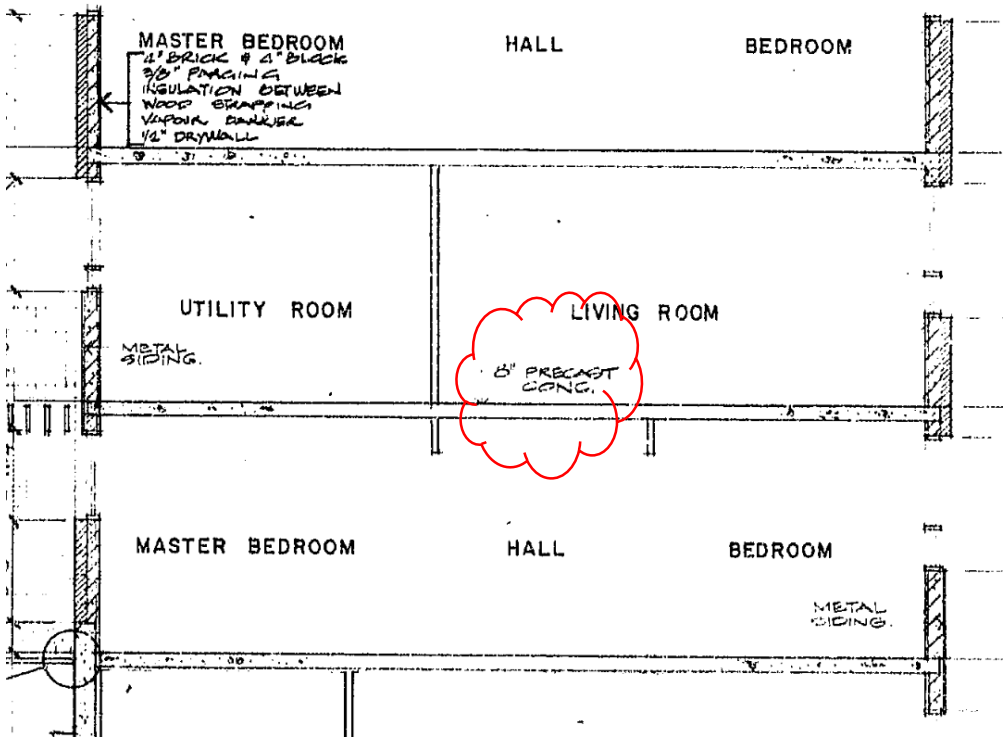
Darragh Meagher (he/him)
General Counsel & Corporate Secretary
Toronto Community Housing Corporation

Attachment: Engineering Report Presentation
Town Hall Recording
Swansea Logistics Excel Spreadsheet
WSP Correspondence of 14 June 2022

Toronto Community Housing

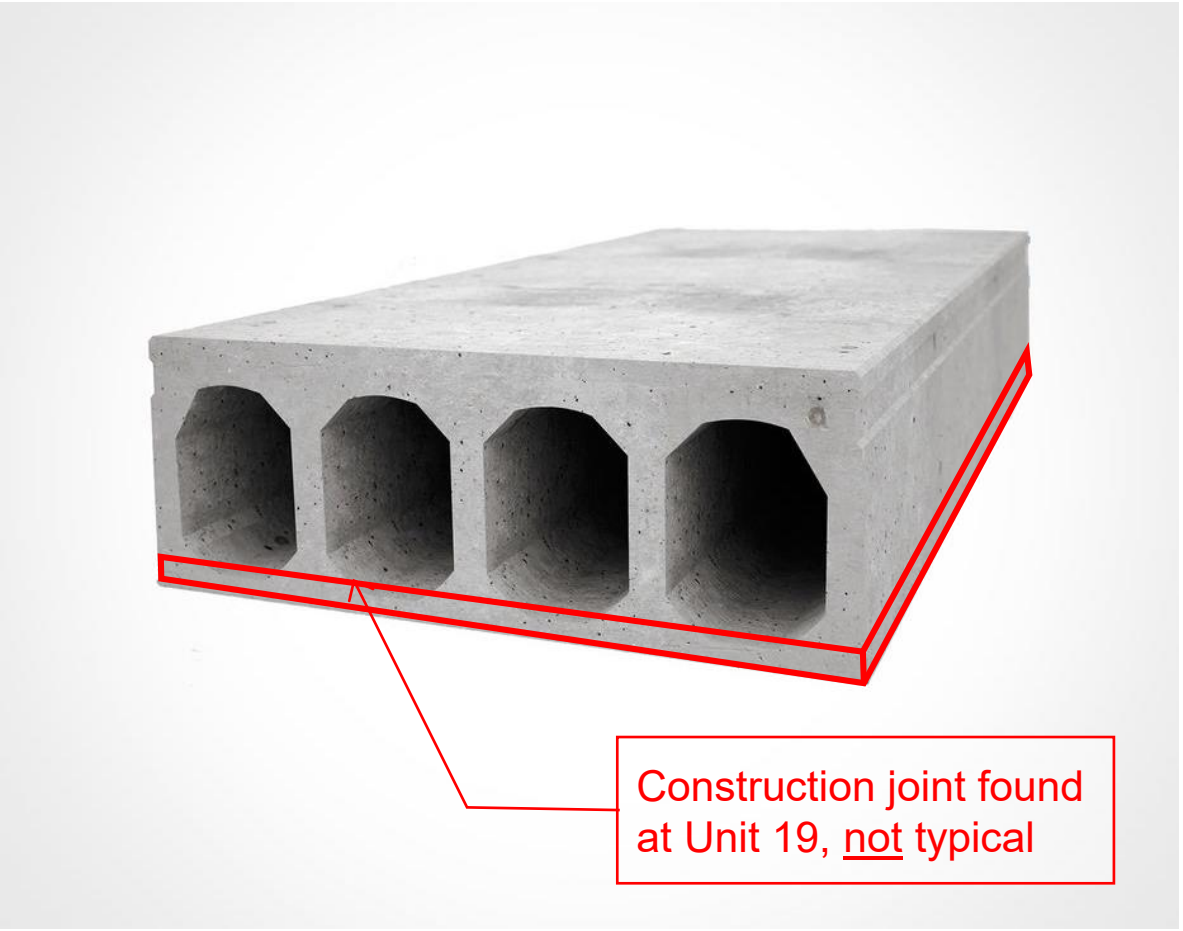
Engineering Report
Presented at the Swansea Mews Town Hall Meeting
June 14, 2022

Existing Construction

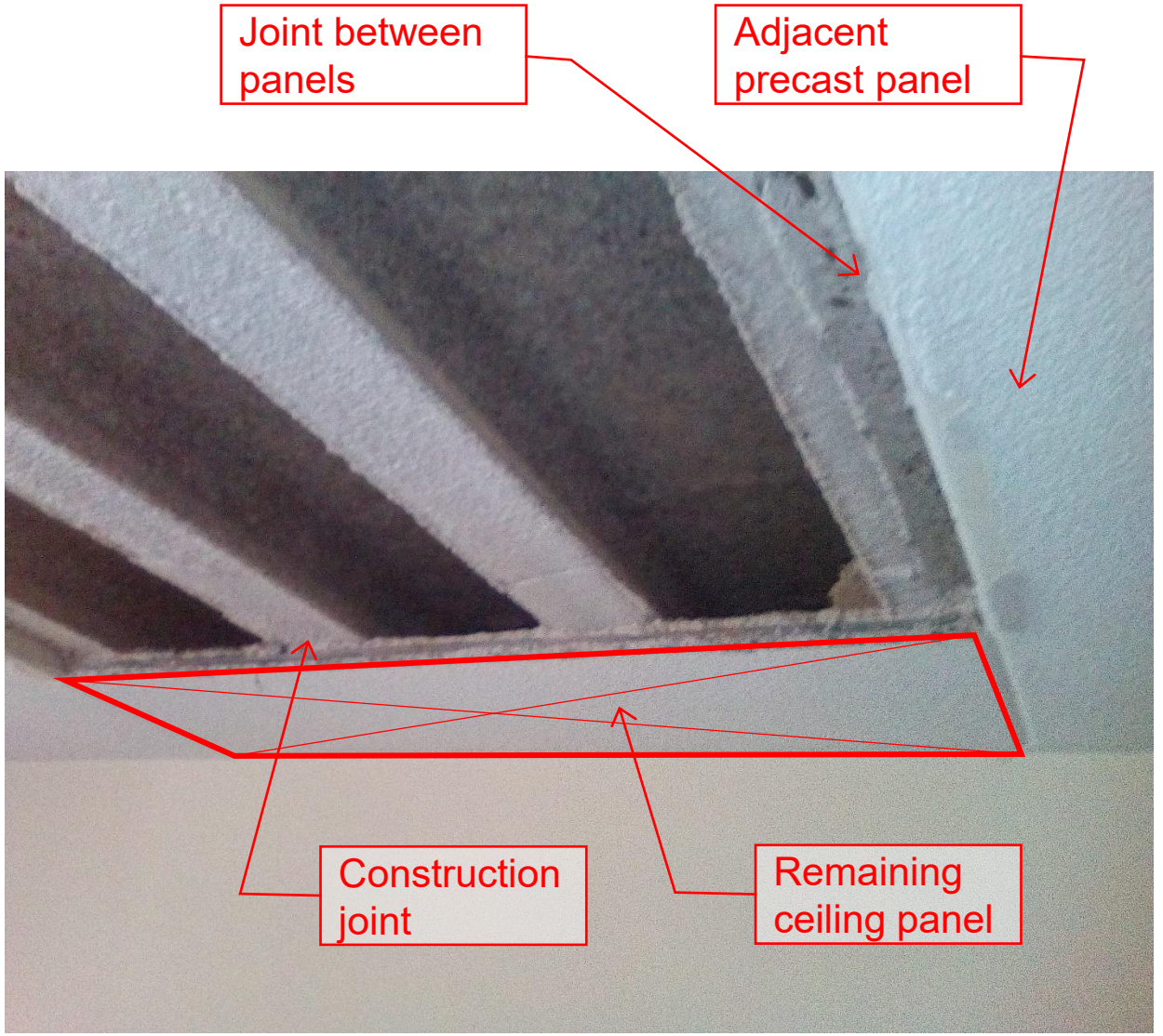


According to the original structural drawings, the 2nd, 3rd, and 4th floors of the townhouses consist of “8-inch thick hollow core precast slabs”. These slabs were designed to span the full width of a unit from party wall to party wall

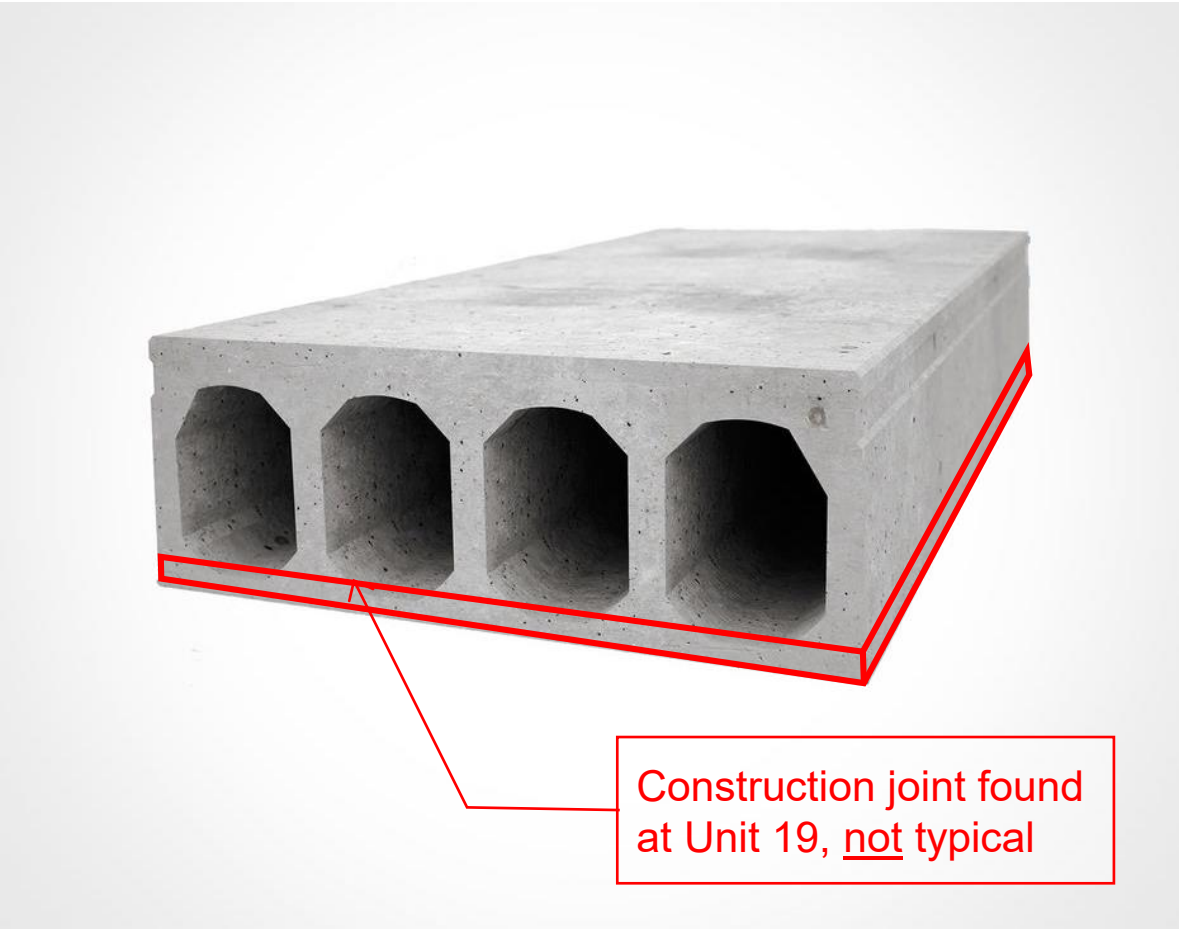
Typical hollow core slab installation



Example of a hollow-core precast panel



Precast panel in Unit 19



Example of a hollow-core precast panel

The third-party engineering team have determined:

- Highly irregular failure
  None of the external engineering team, internal TCHC design/engineering dept. or City building dept. staff have ever seen a failure like this.
- The defect is part of the original construction
  The panel did not fail due maintenance or upkeep.
- The panel's defect was hidden
  Visual or conventional inspection would **not** have discovered this defect from the original construction.
- The panel's failure was sudden
  There was no warning or signs of pre-failure.

Testing and Inspection

The third-party engineering team carried out 2 types of testing:

- Electromagnetic Scanning
  This is a non-destructive imaging scan similar to X Ray

- Destructive Hammer Testing
  The underside of a panel is broken open to test integrity and allow for actual visual inspection.
  This test does not compromise the structural integrity of the panel.

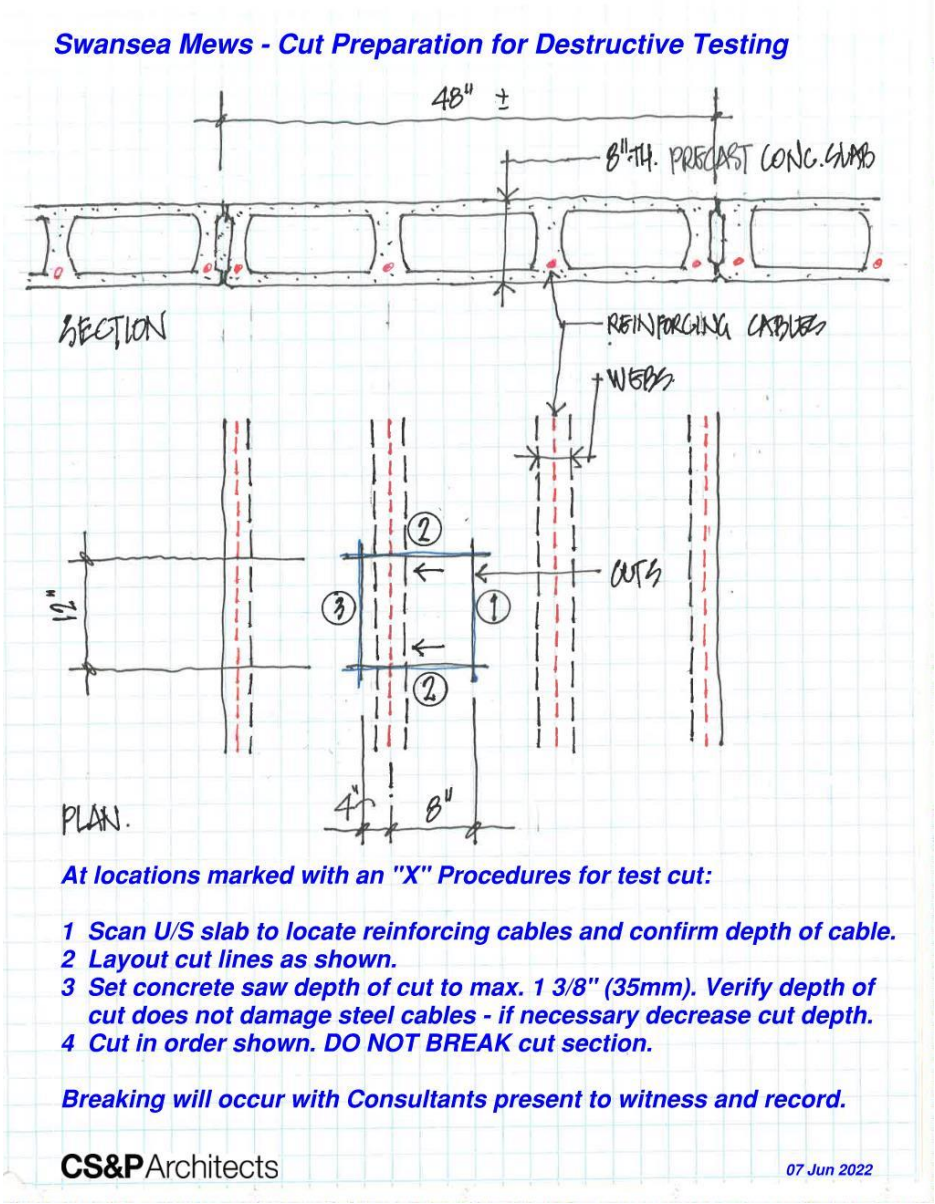
Electromagnetic Scanning Process

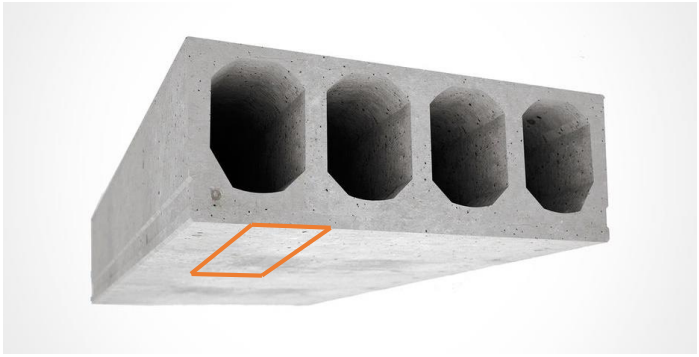
Electromagnetic Scanning Plan

27 (17.5%) of units scanned (or known)

5 / 378 (1.3%) of panels scanned (or known) exhibited detachment

Destructive Testing Process





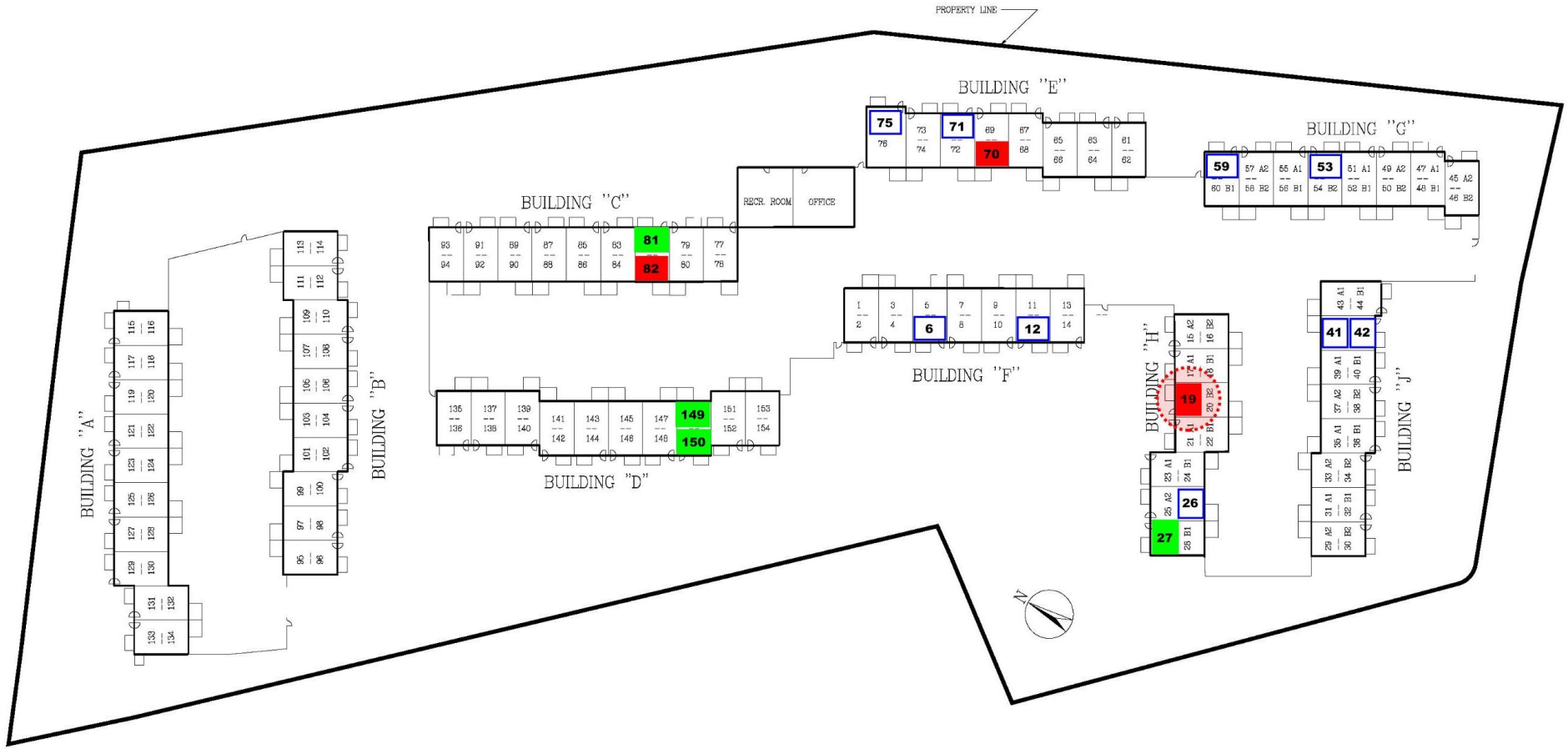
Examples of passing tests – underside of panel stays attached at “web”

Example of failed test - panel failed clean separation occurred between underside of web and bottom of panel.

100

Destructive testing of the slab soffit (ceiling) – test shows a clear pour joint between the stems (main structure of the floor slab) and the soffit panel. Photo also illustrates that the concrete soffit is not reinforced (no bars or wire mesh visible at the cut lines) nor is there any physical connection to the stem.

Destructive Testing Plan



3/14 **(21%)** of panels tested (or known) exhibited detachment

Based on these results, every panel in every unit must be tested in order to ensure safety of the tenants.

Planned Retrofit

Site Improvements

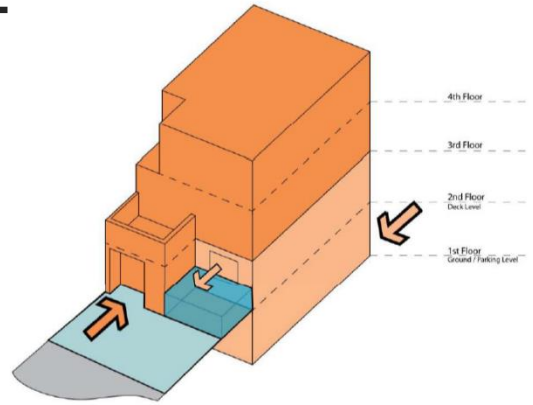
- Ease of Access Upgrades
- Unit Access and Visual Privacy
- Retaining Wall Repairs
- Parking Garage/Site Lighting
- Parking Garage Sewer Repairs Deck Upgrades – Maintenance
- Parking Garage Slab and Column Repair

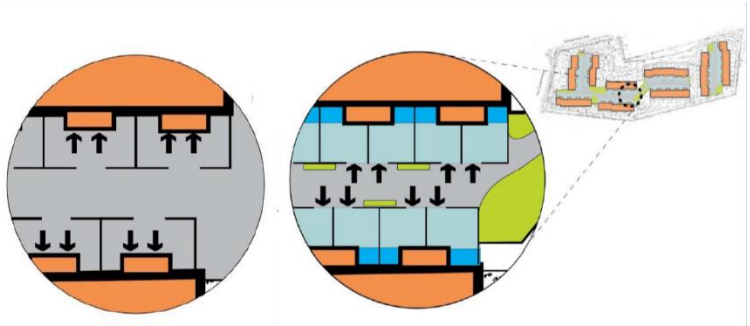
Building Improvements

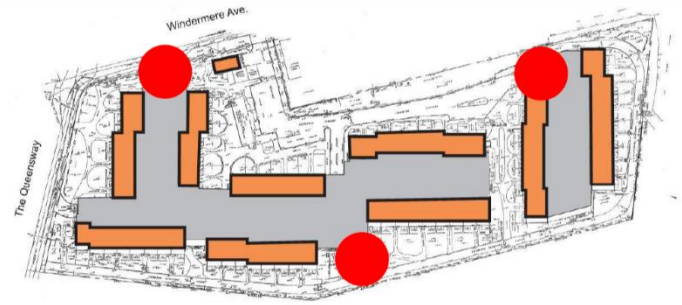
- Envelope Upgrades & Repairs
- Windows, doors, balconies, Re-roof
- Mechanical Upgrades – Boiler Replacement
- Electrical Upgrades
- Full Interior Finish Replacement

Interim Investments

- Landscape
- Sitewide Stair Replacement
- Waste Collection

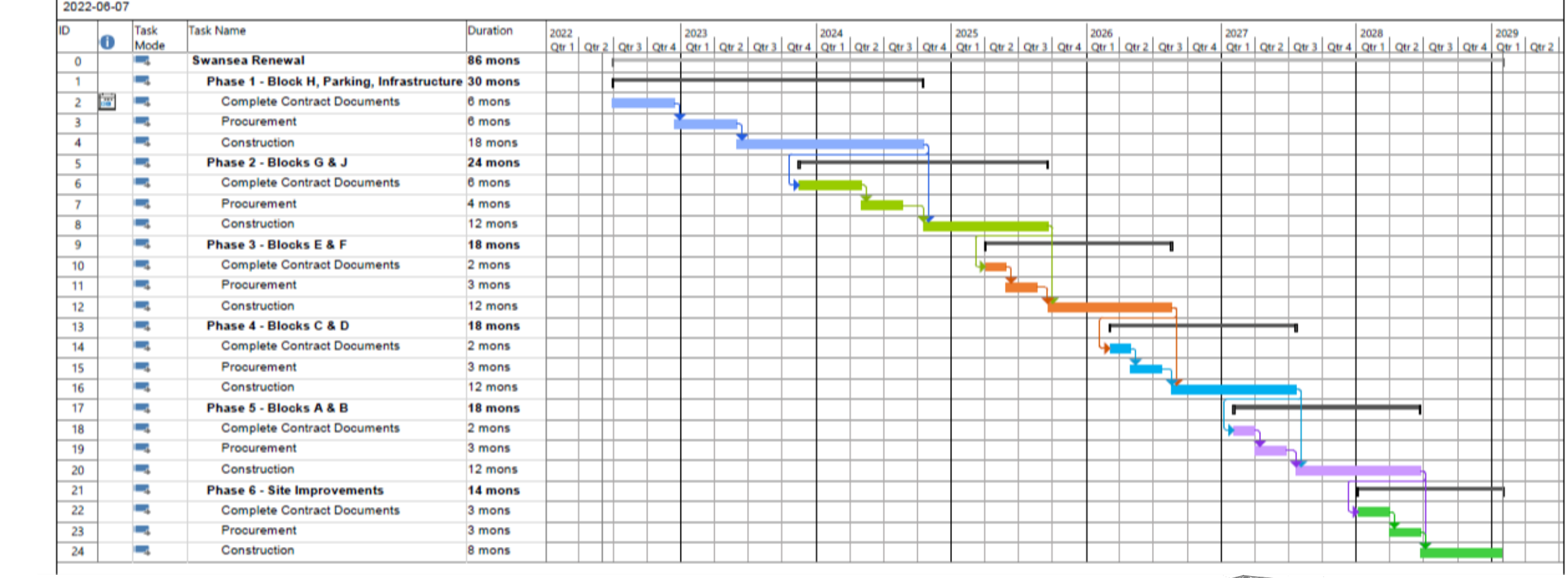




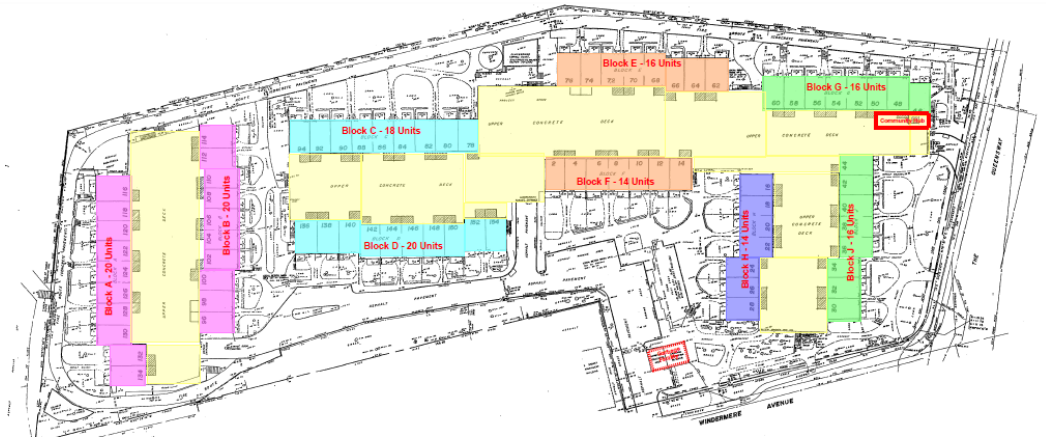


Swansea Mews Renewal Project
Milestone Schedule
2022-06-07

ID	Task Mode	Task Name	Duration
0		**Swansea Renewal**	**86 mons**
1		**Phase 1 - Block H, Parking, Infrastructure**	**30 mons**
2		Complete Contract Documents	6 mons
3		Procurement	6 mons
4		Construction	18 mons
5		**Phase 2 - Blocks G & J**	**24 mons**
6		Complete Contract Documents	6 mons
7		Procurement	4 mons
8		Construction	12 mons
9		**Phase 3 - Blocks E & F**	**18 mons**
10		Complete Contract Documents	2 mons
11		Procurement	3 mons
12		Construction	12 mons
13		**Phase 4 - Blocks C & D**	**18 mons**
14		Complete Contract Documents	2 mons
15		Procurement	3 mons
16		Construction	12 mons
17		**Phase 5 - Blocks A & B**	**18 mons**
18		Complete Contract Documents	2 mons
19		Procurement	3 mons
20		Construction	12 mons
21		**Phase 6 - Site Improvements**	**14 mons**
22		Complete Contract Documents	3 mons
23		Procurement	3 mons
24		Construction	8 mons



Planned Retrofit - Original Schedule



Planned Retrofit

How to Move Forward:

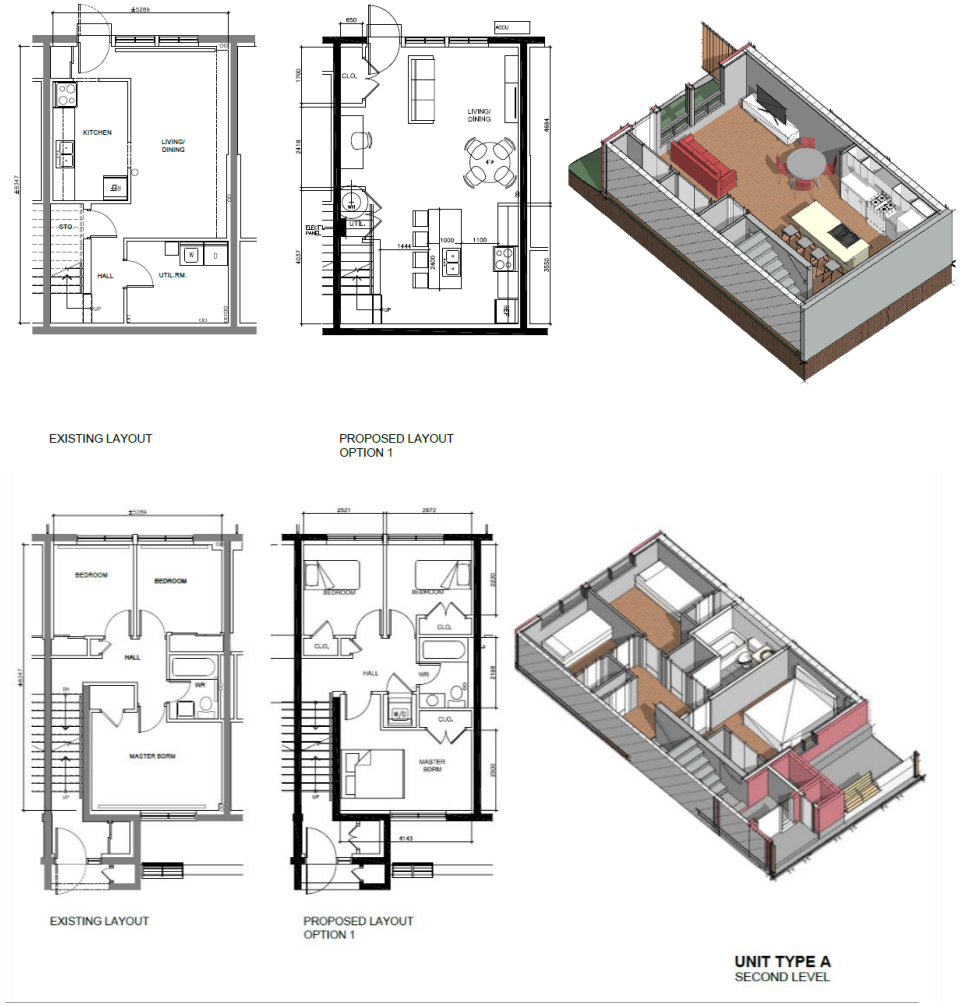
1. **Get people to safety.**

2. Shore the buildings for safety.

3. Performing testing and inspection:
   - How many defective panels?
   - Can we detect defective panels through imaging?
   - Can the panels be repaired? How?

4. Can the retrofit proceed?

5. If so, can the work be moved forward faster to get tenants back to their homes?

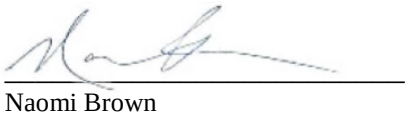


Block #	Unit #	Level	Unit Condition	Date Shoring Complete	Shoring Status	Abatement (Units with Test Cutting) Scheduled	Date Abatement Complete	Unit Scanned	Date- Unit Scanned	Scanning Result	Destructive Testing Preparation	Date Destructive Testing Complete	Destructive Testing Result	Estimate Date of Unit Completion	Comments	Vendor
A	115	L1/L2	Occupied													Trinity Services
A	116	L3/L4	Temp vacated	**Saturday June 11th, 2022**	Completed											Trinity Services
A	117	L1/L2	Occupied													Trinity Services
A	118	L3/L4	Occupied													Trinity Services
A	119	L1/L2	Occupied													Trinity Services
A	120	L3/L4	Occupied													Trinity Services
A	121	L1/L2	Occupied													Trinity Services
A	122	L3/L4	Temp vacated	**Monday June 13th, 2022**	Completed											Trinity Services
A	123	L1/L2	Vacant	**Between May 28 & June 10**	Completed			**Y**	**June 7, 2022**							Uniqueco
A	124	L3/L4	Temp vacated	**June 10, 2022**	Completed											Uniqueco
A	125	L1/L2	Occupied													Uniqueco
A	126	L3/L4	Occupied													Uniqueco
A	127	L1/L2	Occupied													Uniqueco
A	128	L3/L4	Temp vacated	**Tuesday June 14th, 2022**	Completed											Uniqueco
A	129	L1/L2	Occupied													Uniqueco
A	130	L3/L4	Temp vacated													Uniqueco
A	131	L1/L2	Occupied													Uniqueco
A	132	L3/L4	Temp vacated	**Tuesday June 14th, 2022**	Completed											Uniqueco
A	133	L1/L2	Occupied													Uniqueco
A	134	L3/L4	Occupied													Uniqueco
B	95	L1/L2	Vacant			**Abatement Complete**	**Friday June 10th**								**Unit can't be shored due to ceiling paint pealing, full abatement required Abatement**	Alltra
B	96	L3/L4	Temp vacated	**Wednesday June 15th, 2022**	Completed											Alltra
B	97	L1/L2	Occupied													Alltra
B	98	L3/L4	Temp vacated	**June 9, 2022**	Completed											Alltra
B	99	L1/L2	Temp vacated	**June 10, 2022**	Completed											Alltra
B	100	L3/L4	Temp vacated	**Monday June 13th, 2022**	Completed											Alltra
B	101	L1/L2	HUB Office	**Monday May 30th, 2022**	Completed				**June 1, 2022**							Trinity Services
B	102	L3/L4	Vacant	**June 3, 2022**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 7, 2022**		**Complete**	**Saturday June 11th**				Alltra
B	103	L1/L2	Temp vacated	**Wednesday June 15th, 2022**	Completed											Alltra
B	104	L3/L4	Vacant	**June 7, 2022**	Completed	**Abatement Complete**	**Friday June 10th**				**Complete**	**Saturday June 11th**				Alltra
B	105	L1/L2	Temp vacated	**June 3, 2022**	Completed											Alltra
B	106	L3/L4	Vacant													Alltra
B	107	L1/L2	Temp vacated	**June 7, 2022**	Completed											Alltra
B	108	L3/L4	Vacant	**June 9, 2022**	Completed											Alltra
B	109	L1/L2	Occupied													PSP
B	110	L3/L4	Occupied													PSP
B	111	L1/L2	Occupied													PSP
B	112	L3/L4	Occupied													PSP
B	113	L1/L2	Occupied													PSP
B	114	L3/L4	Temp vacated	**Between May 28 & June 10**	Completed											PSP
C	77	L1/L2	Occupied													Uniqueco
C	78	L3/L4	Occupied													Uniqueco
C	79	L1/L2	Occupied													Uniqueco
C	80	L3/L4	Occupied													Uniqueco
C	81	L1/L2	Vacant	**June 5, 2022**	Completed	**Abatement Complete**	**Friday June 10th**	**Y**	**June 7, 2022**		**Complete**	**Friday June 10th**				Uniqueco
C	82	L3/L4	Vacant	**June 5, 2022**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 7, 2022**		**Complete**	**Friday June 10th**				Uniqueco
C	83	L1/L2	Occupied													Uniqueco
C	84	L3/L4	Occupied													Uniqueco
C	85	L1/L2	Vacant	**June 4, 2022**	Completed			**Y**	**June 7, 2022**							Uniqueco
C	86	L3/L4	Occupied													Alltra
C	87	L1/L2	Occupied													Alltra
C	88	L3/L4	Occupied													Alltra
C	89	L1/L2	Vacant	**June 5, 2022**	Completed			**Y**	**June 7, 2022**							Uniqueco
C	90	L3/L4	Vacant													Uniqueco
C	91	L1/L2	Occupied													Uniqueco
C	92	L3/L4	Vacant	**June 2, 2022**	Completed											Uniqueco
C	93	L1/L2	Occupied													Uniqueco
C	94	L3/L4	Vacant	**June 8, 2022**	Completed											Uniqueco
D	135	L1/L2	Occupied													Trinity Services
D	136	L3/L4	Occupied													Trinity Services
D	137	L1/L2	Occupied													Trinity Services
D	138	L3/L4	Occupied													Trinity Services
D	139	L1/L2	Occupied													Trinity Services
D	140	L3/L4	Occupied													Trinity Services
D	141	L1/L2	Occupied													Alltra
D	142	L3/L4	Vacant	**June 13, 2022**	On-going											Alltra

Block #	Unit #	Level	Unit Condition	Date Shoring Complete	Shoring Status	Abatement (Units with Test Cutting) Scheduled	Date Abatement Complete	Unit Scanned	Date- Unit Scanned	Scanning Result	Destructive Testing Preparation	Date Destructive Testing Complete	Destructive Testing Result	Estimate Date of Unit Completion	Comments	Vendor
D	143	L1/L2	Temp vacated	**Tuesday June 14th, 2022**	Completed											Alltra
D	144	L3/L4	Occupied													Alltra
D	145	L1/L2	Occupied													Alltra
D	146	L3/L4	Vacant													Alltra
D	147	L1/L2	Occupied													Alltra
D	148	L3/L4	Vacant													Alltra
D	149	L1/L2	Vacant	**June 2, 2022**	Completed	**Abatement Complete**	**Friday June 10th**	**Y**	**June 7, 2022**		**Complete**	**Friday June 10th**				Alltra
D	150	L3/L4	Vacant	**June 8, 2022**	Completed	**Abatement Complete**	**Friday June 10th**	**Y**	**June 7, 2022**		**Complete**	**Friday June 10th**				Alltra
D	151	L1/L2	Occupied													Alltra
D	152	L3/L4	Vacant													Alltra
D	153	L1/L2	Vacant	**June 11, 2022**	Completed											Alltra
D	154	L3/L4	Vacant	**Between May 28 & June 10**	Completed											Alltra
E	61	L1/L2	Occupied													Aplus
E	62	L3/L4	Occupied													Aplus
E	63	L1/L2	Occupied													Aplus
E	64	L3/L4	Vacant		Completed			**Y**	**June 1, 2022**							Aplus
E	65	L1/L2	Occupied													Aplus
E	66	L3/L4	Occupied													Aplus
E	67	L1/L2	Occupied													Aplus
E	68	L3/L4	Occupied													Aplus
E	69	L1/L2	Occupied													Aplus
E	70	L3/L4	Vacant	**Between May 28 & June 10**	Completed			**Y**	**June 1, 2022**							Aplus
E	71	L1/L2	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Wednesday June 8th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				Aplus
E	72	L3/L4	Temp vacated	**Monday June 13th, 2022**	Completed											Aplus
E	73	L1/L2	Temp vacated	**Wednesday June 15th, 2022**	Completed											Aplus
E	74	L3/L4	Occupied													Aplus
E	75	L1/L2	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Wednesday June 8th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				Aplus
E	76	L3/L4	Occupied													Aplus
F	1	L1/L2	Occupied	**Monday June 13th, 2022**	Completed											Trinity Services
F	2	L3/L4	Occupied													Trinity Services
F	3	L1/L2	Temp vacated	**Saturday June 11th, 2022**	Completed											Trinity Services
F	4	L3/L4	Occupied													Trinity Services
F	5	L1/L2	Occupied													Aplus
F	6	L3/L4	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				Aplus
F	7	L1/L2	Occupied													Aplus
F	8	L3/L4	Occupied													Aplus
F	9	L1/L2	Occupied													Aplus
F	10	L3/L4	Occupied					**Y**	**June 1, 2022**							Aplus
F	11	L1/L2	Occupied													Aplus
F	12	L3/L4	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				Aplus
F	13	L1/L2	Occupied													Trinity Services
F	14	L3/L4	Temp vacated	**Saturday June 11th, 2022**	Completed			**Y**	**June 1, 2022**							Trinity Services
G	45	L1/L2	Occupied													Trinity Services
G	46	L3/L4	Occupied													Trinity Services
G	47	L1/L2	Occupied													Trinity Services
G	48	L3/L4	Occupied													Trinity Services
G	49	L1/L2	Occupied													Trinity Services
G	50	L3/L4	Occupied													Trinity Services
G	51	L1/L2	Occupied													PSP
G	52	L3/L4	Occupied													PSP
G	53	L1/L2	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Wednesday June 8th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				PSP
G	54	L3/L4	Occupied													PSP
G	55	L1/L2	Occupied													PSP
G	56	L3/L4	Occupied													PSP
G	57	L1/L2	Occupied													PSP
G	58	L3/L4	Occupied													PSP
G	59	L1/L2	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Wednesday June 8th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				PSP
G	60	L3/L4	Occupied													PSP
H	15	L1/L2	Temp vacated	**Friday June 10th, 2022**	Completed											Trinity Services
H	16	L3/L4	Temp vacated	**Thursday June 9th, 2022**	Completed											Trinity Services
H	17	L1/L2	Temp vacated	**Friday June 10th, 2022**	Completed											Trinity Services
H	18	L3/L4	Temp vacated	**Thursday June 9th, 2022**	Completed											Trinity Services
H	19	L1/L2	Temp vacated	**Saturday May 28th, 2022**	Completed			**Y**	**May 31, 2022**		**Complete**	**Saturday May 28**			**Conducted partially scanned. Consultants need to return for more scanning**	Trinity Services
H	20	L3/L4	Temp vacated	**Thursday June 9th, 2022**	Completed										**to core drill 1 opening to review Unit 19 ceiling slab**	Trinity Services
H	21	L1/L2	Occupied													Trinity Services

Block #	Unit #	Level	Unit Condition	Date Shoring Complete	Shoring Status	Abatement (Units with Test Cutting) Scheduled	Date Abatement Complete	Unit Scanned	Date- Unit Scanned	Scanning Result	Destructive Testing Preparation	Date Destructive Testing Complete	Destructive Testing Result	Estimate Date of Unit Completion	Comments	Vendor
H	22	L3/L4	Temp vacated	**Friday June 10th, 2022**	Completed											Trinity Services
H	23	L1/L2	Occupied													Trinity Services
H	24	L3/L4	Occupied													Trinity Services
H	25	L1/L2	Occupied	**June 13, 2022**	On-going											Trinity Services
H	26	L3/L4	Vacant	**Saturday May 28th, 2022**	Completed	**Abatement Complete**	**Friday June 10th**	**Y**	**June 1, 2022**		**Complete**	**Tuesday June 14th**				Trinity Services
H	27	L1/L2	Vacant	**Saturday May 28th, 2022**	Completed	**Abatement Complete**	**Friday June 10th**	**Y**	**May 31, 2022**		**Complete**	**Tuesday June 14th**				Trinity Services
H	28	L3/L4	Vacant	**Saturday May 28th, 2022**	Completed			**Y**	**June 1, 2022**							Trinity Services
J	29	L1/L2	Temp vacated	**Tuesday June 14th, 2022**	Completed											PSP
J	30	L3/L4	Vacant	**Between May 28 & June 10**	Completed			**Y**	**June 1, 2022**							PSP
J	31	L1/L2	Temp vacated	**Between May 28 & June 10**	Completed											PSP
J	32	L3/L4	Temp vacated	**Tuesday June 14th, 2022**	Completed											PSP
J	33	L1/L2	Occupied													PSP
J	34	L3/L4	Occupied													PSP
J	35	L1/L2	Occupied													PSP
J	36	L3/L4	Vacant		Completed			**Y**	**June 1, 2022**							PSP
J	37	L1/L2	Occupied													PSP
J	38	L3/L4	Occupied													PSP
J	39	L1/L2	Occupied													PSP
J	40	L3/L4	Occupied													PSP
J	41	L1/L2	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				PSP
J	42	L3/L4	Vacant	**Between May 28 & June 10**	Completed	**Abatement Complete**	**Thursday June 9th**	**Y**	**June 1, 2022**		**Complete**	**Monday June 13th**				PSP
J	43	L1/L2	Occupied													PSP
J	44	L3/L4	Vacant		Completed			**Y**	**June 1, 2022**							PSP

This is **Exhibit L** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.



Naomi Brown
A Commissioner for taking Affidavits, etc.

June 16, 2022

Attn: Tony D'Amico
District Manager (Acting), Inspection Services
Toronto and East York District
95 The Esplanade – Ground Floor
Toronto, Ontario M5E 2A2
(416) 338-1215

Dear Mr. D'Amico

Re: 1 Swansea Mews, Toronto, Ontario
Toronto Community Housing (TCH)
Order to Remedy Unsafe Building
 # 22 152852 UNS 00 VI (May 27, 2022)
Site Visit Report #3

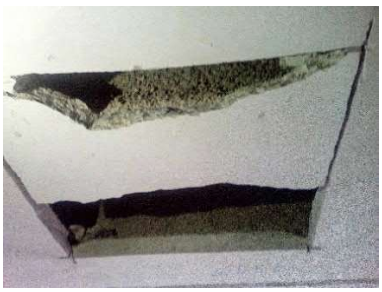
WSP Building Structures team was retained by CS&P Architects, on behalf of Toronto Community Housing, to investigate the reported collapse of the concrete ceiling in the townhouse complex at 1 Swansea Mews in Toronto. Refer to the attached Site Visit Reports dated May 30, 2022, and Jun 10, 2022 for other detailed observations and recommendations.

Branko Kraincanic, P.Eng (Structural) at WSP visited the site on June 14, 2022. The following is the summary of the observations made by WSP on site.

1. WSP and CS&P entered the following units: #6, #12, #64, #71, #75, #102 and #104, in order to perform the destructive testing of the ceiling panels. The testing involved cutting out a square portion of the ceiling panels (non-structural component) at the ribs of a randomly selected precast floor panel, and removing it from the panel by hitting with a 2lb hammer. If the marked piece of the panel fell off the panel by detaching from the rib of a precast panel, this would indicate that the selected precast panel was not constructed as one monolithic panel and that it's ceiling panel is prone to collapse, similar to the defective panel in Unit #19.

2. WSP and CS&P randomly selected and tested one precast panel at each level in each visited unit. Only one opening was ready for testing in the unit #6 at the Level 1.

3. Testing at selected panels in the units #71, #75, #102 and #104 revealed that the ceiling of the selected precast panels remained firmly attached to the webs of the tested precast panels after being repeatedly hit with the hammer. Other panels in these units were not tested at the time of the review, and WSP cannot ascertain as to the structural integrity of the ceiling portion of those panels.


4. Testing at selected panel at Level 1 in the unit #6 and Level 1and Level 2 in the units #12 and #64 revealed that the ceiling panel at the selected precast panels was bonded to the webs of the precast panel, similar to the defective panel in Unit #19. The destructive testing has proven that this bond is potentially insufficient to maintain composite structure of the floor panel during exposure to the design loads (gravity and lateral). The tested section of the ceiling detached from the web after application of a moderate force on the tested area by using a 2lb hammer. Other panels in these units were not tested at the time of the review, and WSP cannot ascertain as to the structural integrity of the ceiling portion of those panels.

5. Shoring was present in all visited units, as per WSP's recommendations. All units were vacant during the visit.

Conclusions and recommendations:

1. Based on the information collected during the visits so far, our opinion is that all precast panels in all units were intentionally fabricated by casting the ceiling panel separately from the remaining of the precast panel (the webs and the upper slab). It appears that the ceiling panel was bonded to the webs of the upper portion of the panel by application of a bonding agent. Evidence of what appears to be bonding agent (the white layer between the webs and the ceiling panels) was present in all locations where the tested ceiling panel was detached from the web.

2. Our conclusions after this visit support the findings and recommendations provided in previous site visit reports #1 and #2.

We trust that the provided information satisfies your needs. Please call our office if you need any other information.

Yours truly,

WSP Canada Inc.
Branko Kraincanic, P.Eng
Senior Structural Engineer
Branko.Kraincanic@wsp.com
416-640-4877

Cc : CS&P Architects – Maureen O'Shaughnessy
Toronto Community Housing – Noah Slater
Attachments:

- Site Visit Report #1 (May 30, 2022)
- Site Visit Report # (Jun 10, 2022)

This is **Exhibit M** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

From:	Will Johnston
To:	"Darragh Meagher"
Cc:	Tracey Cook; Paul Johnson (Deputy City Manager); Naomi Brown; Jag Sharma; "Noah Slater"; Kamal Gogna
Subject:	RE: Letter regarding Swansea Mews; 21 Windermere Ave. Emergency Order and Order to Remedy Unsafe Condition dated June 12, 2022
Date:	June 17, 2022 7:19:14 PM
Attachments:	OTRUB 21 Windermere Ave.pdf image001.png
Importance:	High

Darragh,

Thank you for your report.

While I understand TCHC's challenges in vacating the dwelling units at Swansea Mews, TCHC is not in compliance with all of requirements of our Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI). Our order required your engineer to provide the following:

1. Repair methodology that will alleviate the unsafe conditions identified in your Engineer's Reports as to reinstate the occupancy, and
2. by June 17, 2022 provide to Toronto Building, for review, an engineer's report outlining the repair methodology as to alleviate
   the unsafe conditions in the townhouse units - the report shall clearly identify the specific work that must be completed in order to allow safe re-occupancy of the units and include timeframe's for completing the work.

Please provide us with the above noted information in a report from your professional engineer, bearing their seal and signature, no later than 5 pm, Saturday, June 18, 2022. Should you fail to provide this information by 5 pm tomorrow, we will have no option but to engage the services of a professional engineer, hired by Toronto Building, to conduct inspections at your buildings in order to provide us with this outstanding information. These engineering services would be at TCHC's expense. Once we are provided with this outstanding information, required by our Order, we will inform you of our next steps to achieve compliance with our orders.

Once again, I remind you that TCHC is responsible for ensuring the safety of the tenants and all persons entering the property.

Will

William M. Johnston, P.Eng.
Chief Building Official and Executive Director
City of Toronto – Toronto Building
Phone: 416.397.4446

From: Will Johnston
Sent: June 17, 2022 6:27 PM
To: 'Darragh Meagher'
Cc: Tracey Cook ; Paul Johnson (Deputy City Manager) ; Naomi Brown ; Jag Sharma ; Noah Slater ; Kamal Gogna
Subject: RE: Letter regarding Swansea Mews; 21 Windermere Ave. Emergency Order and Order to Remedy Unsafe Condition dated June 12, 2022

Darragh,

Thank you for responding to my correspondence dated June 16th and providing us with the report from your engineer as required by our Unsafe Order. We are reviewing the documentation you have submitted and I will provide you a response before 9 pm.

Will

William M. Johnston, P.Eng.
Chief Building Official and Executive Director
City of Toronto – Toronto Building
Phone: 416.397.4446

From: Darragh Meagher [mailto:Darragh.Meagher@torontohousing.ca]
Sent: June 17, 2022 4:44 PM
To: Will Johnston <Will.Johnston@toronto.ca>; Kamal Gogna <Kamal.Gogna@toronto.ca>
Cc: Tracey Cook <Tracey.Cook@toronto.ca>; Paul Johnson (Deputy City Manager) <Paul.R.Johnson@toronto.ca>; Naomi Brown <Naomi.Brown@toronto.ca>; Jag Sharma <Jag.Sharma@torontohousing.ca>; Noah Slater <Noah.Slater@torontohousing.ca>
Subject: Letter regarding Swansea Mews; 21 Windermere Ave. Emergency Order and Order to Remedy Unsafe Condition dated June 12, 2022

Attached hereto please find correspondence of today's date responding to your correspondence of June 16, 2022 and the requirement, contained in the above noted Order, to forward the engineer's signed/sealed report as required by the Order.

The correspondence references a recording of the Tenant Town Hall held on June 14, which is an attachment to this correspondence. Given the size of the recording, I anticipate that it will result in this email being blocked by system filters. For this reason, I will forward it to you, separately, using TCHC's secure file transfer.

Please do not hesitate to contact me should you have any questions or concerns in relation to this matter.

Darragh Meagher (he/him)
General Counsel and Corporate Secretary
Toronto Community Housing
931 Yonge Street, 6th Floor, Toronto, ON M4W 2H2
T: 416 981 4241
torontohousing.ca

Positive Tenant Experience | Quality Homes | Vibrant Communities

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TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Order Number: 22 160823 UNS 00 VI

Date Order issued: June 12, 2022

Address to which Order applies:
21 WINDERMERE AVE

Application/Permit Number:
N/A

Order issued to:

TORONTO COMMUNITY HOUSING CORPORATION
C/O NOAH SLATER
931 YONGE ST 3RD FL
TORONTO, ON M4W 2H2
CANADA

An Inspection on or about Jun 12, 2022 at the above referenced address found the building to be in an unsafe condition as defined in Sentence 15.9 (2) of the Building Code Act, 1992.

You are hereby ordered to take the required actions itemized below immediately, or by the dates listed below.

Item	Reference	Description and location	Required action and compliance date
1	BCA 15.9(2)	On May 27, 2022 a section of the concrete ceiling collapsed in unit 19 and an Order to Remedy Unsafe Building was issued. Subsequently, Toronto Community Housing Corporation ("TCHC") has provided to Toronto Building reports prepared by Branko Kraincanic, P.Eng, of WSP Global Inc. dated May 30, June 10 and June 12, collectively "the Engineers Reports". The professional engineers reports have concluded that the that the 154 townhouse units at the Swansea Mews complex are in a condition that are unsafe for the purpose they are used.	As the occupancy of the building has been prohibited by Emergency Order bearing the number 22-160825 ECO 00 VI, you are hereby ordered to do the following actions: 1. Immediately, the Structural Engineer must formulate a repair methodology that will alleviate the unsafe conditions identified in the Engineer's Reports as to reinstate the occupancy; 2) By June 17, 2022 provide to Toronto Building, for review, an engineer's report outlining the repair methodology as to alleviate the unsafe conditions in the townhouse units; the report shall clearly identify the specific work that must be completed in order to allow safe re-occupancy of the units and include timeframe's for completing the work 3) Immediately, carry out the remedial measures under the direction / supervision of the engineer; 4) You are required to notify the CBO, in writing, when each unit is safe of re-occupancy. 5) Following the completion of all work prescribed by the engineer, you are required to provide the Chief Building Official with a final report from the engineer confirming that all remedial measures for each unit have been completed to the satisfaction of the professional engineer and that all unsafe conditions have been remedied. Continued on Page 2

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100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 17523

Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

Item	Reference	Description and location	Required action and compliance date
			Continued from Page 1 Note: A building permit is required if the scope of work (demolition and/or construction) prescribed by the engineer extends beyond that required to remove the unsafe condition.

Order issued by:

Signature	Tony D'Amico	BCIN	18924	Telephone	416-338-0700
Name	Tony D'Amico, District Manager, Inspections			Facsimile	416-696-4151
Address	Toronto Building Division, 95 The Esplanade Ground Floor Toronto, ON M5E 2A2				

Note:

- The Signature above is the unique electronic signature of Tony D'Amico, it can only be added by Tony D'Amico and was produced after Tony D'Amico electronically authenticated this document.
- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [Building Code Act,1992 s. 20]
- An Order may be appealed to the Superior Court of Justice. [Building Code Act, 1992 s. 25]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [Building Code Act, 1992 s. 24]
- Failure to comply with this Order is an offence which could result in a fine. [Building Code Act, 1992 s.36]

This is **Exhibit N** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

June 18, 2022

Attn: William Johnston
Chief Building Official &
Executive Director
Toronto Building, City Hall
12th Floor, East Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Mr. Johnston,

Re: 1 Swansea Mews, Toronto, Ontario
Toronto Community Housing (TCH)
Order to Remedy Unsafe Building :
 # 22 152852 UNS 00 VI (May 27, 2022)
 # 22 160823 00 VI (June 12, 2022)
Emergency Order :
#160825 ECO 00 VI (June 12, 2022)

WSP Building Structures team was retained by CS&P Architects, on behalf of Toronto Community Housing, to investigate the reported collapse of the concrete ceiling in the townhouse complex at 1 Swansea Mews in Toronto. Refer to the attached Site Visit Reports dated May 30, 2022, Jun 10, 2022 and Jun 16, 2022 for other detailed observations and recommendations. WSP hereby makes the following recommendations:

1. Based on the destructive in-situ testing performed by WSP and CS&P Architects on 21 hollow-core floor panels in 10 units at Swansea Mews, it is our opinion that the bond between the ceiling panels and the rest of the precast panels above cannot be relied on to maintain the composite performance of the hollow-core panels. Furthermore, salvaging the precast hollow-core panels is not a viable option since no repair method would reinstate the original and the intended composite performance, either from the structural or the fire rating aspect.

2. Shoring is being implemented as a temporary measure to allow safe removal of belongings from units. The shoring installation prevents ceiling panels from falling in the event of a failure of the bond between the ceiling panels and the rest of the hollow-core panels. The shoring process, which includes monitoring for asbestos, takes 3 to 4 days per unit. Because of the protection of the hazardous materials required during installation of shoring, the tenants cannot occupy the unit while shoring installation is taking place. Shoring is not a long-term solution; it does not address the underlying structural condition. We do not support shoring with the intent to allow tenants to re-occupy their units.

3. The consulting team sought an opinion from a precast concrete engineering specialist. The specialist's report is attached to this letter.

4. For the reasons explained above, WSP recommends that all residential blocks at Swansea Mews be demolished. The temporary shoring needs to be installed in all units until the units are vacated. The shoring design has been approved by WSP and the installation is ongoing.

We trust that the provided information satisfies your needs. Please call our office if you need any other information.

Yours truly,

WSP Canada Inc.
Branko Kraincanic, P.Eng
Senior Structural Engineer
Branko.Kraincanic@wsp.com
416-640-4877

Cc : CS&P Architects – Maureen O'Shaughnessy
Toronto Community Housing – Noah Slater

Attachments:

- Site Visit Report #1 (May 30, 2022)
- Site Visit Report # 2 (Jun 12, 2022)
- Site Visit Report # 3 (Jun 16, 2022)
- Precast Engineering Report (Jovo Mitrovich, P.Eng)

This is **Exhibit O** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

Precast Design Solutions Inc.

7777 Keele Street
suite #218
Concord
Ontario
Canada
L4K 1Y7

tel: (905) 761 7991 • fax: (905) 761 7994 • email: pdsolutions@rogers.com

To: CS & P Architects

June 18. 2022.

Phone: (416) 482.5002
e-mail: vperalto@ccsparch.com

Att'n: Mr. Victor Peralto

RE: Swansea Mews, Toronto, ON.

Dear Victor,

As per your request, we visited the building complex at the "Swansea Mews" location and observed precast concrete floor slabs used on these buildings. The initial problem was reported that bottom portion of the core slabs separated from the webs and fell on the floor below.

The core slabs used and observed are precast prestressed slabs 1220 mm wide with 4 webs and three hollow rectangular sections formed in between the webs. It is common feature for this type of slabs to be produced by dry cast extrusion process where the hollow cores are formed in the process and whole section is cast in one pass of the extruding machine.

Based on partial and limited sample observation performed on these buildings, it is our belief that the extrusion process was not employed for production of these particular hollow core slabs. It appears that the production process was consisting of two stage cast, bottom slab was poured first, then the void forms were placed and the rest of concrete was added including the web sections and top slab section. The amount of prestressing tendons used in these slabs was not confirmed during observation process.

Based on six or seven locations observed where destructive methods were used to open cores below the webs, two of these locations have clear indication of bottom slab portion separating from the webs; the other locations suggest rather monolithic composition of bottom slab and webs. It should be noted that the bottom slab is about 35 mm thick and center of the prestressing strands is about 45 mm off the bottom of slab, meaning they are placed in the webs section.

Based on the observation and not knowing the production process used at the time, we believe that the reasons for the observed separation at some location lies in the manufacturing process and too much time that lapsed between bottom slab pour and upper section pour. That would allow first layer of concrete to dry (particularly if the concrete consistency was a little on a "slumpy" side) before the upper section of concrete was added and creating "cold joint" in a process between the webs and bottom slab. That initial bond loss coupled with prestressing force transfer through the interface and continuous deflections of these slender concrete slabs, resulted in a failure of bottom section eventually.

As we believe that the main issue for this behavior of precast slabs lies in the manufacturing process, it is hard to identify where it would be present as it can be so random in nature. The future failures can occur in the same random mode that cannot be detected and repaired with any available tools and processes.

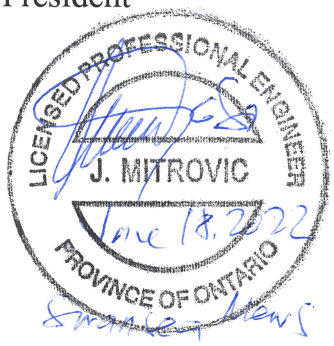
Reattaching the bottom slab section to the remainder of the slab where the bond was lost as part of a repair solution would not be possible as the slab would have to be attached into the webs where the prestressing tendons are placed just now. Leaving the condition as is is not acceptable either since the bond loss would effectively reduce the structural section of the slab and therefore reduce the capacity of the slab to carry the loads. Furthermore, if the bottom slab failure in a similar manner as it has occurred exposes the prestressing tendons, that would present the immediate structural dangerous condition as the bond between the prestressing tendons and concrete is essential for the structural system to function as designed.

We want to point out that the unit where the initial failure occurred was not available for the observation and no conclusions could be drawn based on failure that occurred naturally.

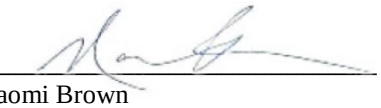
Based on the presented findings, we cannot suggest that the building floors would be safe for occupants due to the random nature of potential future problems.

Should you have any questions in regard to the above matter do not hesitate to contact our office at your earliest convenience.

Yours truly,
Jovo Mitrovic, P. Eng.
President



This is **Exhibit P** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.



Naomi Brown
A Commissioner for taking Affidavits, etc.

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Jared Wehrle

Attachments: CRR-01_20220619_Swansea Mews.pdf

From: Maschke, Ken [mailto:KMaschke@ThorntonTomasetti.com]
Sent: June 19, 2022 3:11 PM
To: Kamal Gogna <Kamal.Gogna@toronto.ca>; Tony D'Amico <Tony.DAmico@toronto.ca>
Subject: RE: Swansea Mews

Kamal, Tony,
Please see the attached report.

Ken R Maschke, P.Eng., P.E., S.E., LEED AP | Vice President
Thornton Tomasetti | 301-116 Spadina Avenue, Toronto, ON M5V 2K6
Direct +1.416.306.8106 | **Main** +1.416.306.8100 | **Mobile** +1.647.963.3277
KMaschke@ThorntonTomasetti.com | www.ThorntonTomasetti.com

From: Kamal Gogna <Kamal.Gogna@toronto.ca>
Sent: Saturday, June 18, 2022 10:57 PM
To: Maschke, Ken <KMaschke@ThorntonTomasetti.com>; Tony D'Amico <Tony.DAmico@toronto.ca>
Subject: RE: Swansea Mews

Ken,
I just sent you the file via the below link.

Kamal

From: Maschke, Ken [mailto:KMaschke@ThorntonTomasetti.com]
Sent: June 18, 2022 9:46 PM
To: Tony D'Amico <Tony.DAmico@toronto.ca>
Cc: Kamal Gogna <Kamal.Gogna@toronto.ca>
Subject: RE: Swansea Mews

If you go to this website are you given an option to upload and send?
https://fileshare.thorntontomasetti.com/

Ken R Maschke, P.Eng., P.E., S.E., LEED AP | Vice President
Thornton Tomasetti | 301-116 Spadina Avenue, Toronto, ON M5V 2K6
Direct +1.416.306.8106 | **Main** +1.416.306.8100 | **Mobile** +1.647.963.3277
KMaschke@ThorntonTomasetti.com | www.ThorntonTomasetti.com

From: Tony D'Amico <Tony.DAmico@toronto.ca>
Sent: Saturday, June 18, 2022 9:09 PM
To: Maschke, Ken <KMaschke@ThorntonTomasetti.com>
Cc: Kamal Gogna <Kamal.Gogna@toronto.ca>
Subject: RE: Swansea Mews

Hi Ken,

On June 12, 2022 Toronto Building issued an Emergency Order as well as an Order to Remedy Unsafe Building to TCHC for the building located at 21 Windermere Ave (Swansea Mews). Copy of the orders were provided in the previous email for your information.

TCHC has advised that there are a total of 154 units within the Swansea Mews complex. Of these 154 units, 69 units are currently vacant, 85 units remain occupied and 62 units are shored or in progress.

Toronto Building has received several reports from WSP, Precast Design Solutions Inc. and CS&P Architects. The latest reports were received on June 18th, 2022. Copies of these were provided in the previous email along with site photographs.

Toronto Building requests Thornton Tomasetti to conduct an independent review, by a professional engineer, of the provided reports and answers to the following questions:

1. Is this building in imminent danger of structural failure?
2. Are you in agreement with the WSP findings that salvaging the precast hollow-core panels is not a viable option?
3. Based on the reports provided and your assessment, what is your professional opinion on whether it is safe for tenants to occupy the units once their respective units are shored. If so, for long? If not, why not?
4. Are you in agreement with the findings of WSP that buildings that demolishing the building is the only reasonable solution to remedy the unsafe condition. Please provide your rationale.
5. Are you in agreement with the technical rationale provided by Precast Design Solutions Inc for the failure of the hollow core floor panel?
6. Are you in agreement with the Precast Design Solution report that the identified failures of the hollow core floor panels cannot be repaired?

Please advise as to whether you are able to assist with this peer review process. Should you require any additional information, please let us know.

A report is required preferably by noon tomorrow. If this timeline is too aggressive, please advise as to when you are able to provide this information at the earliest. I want to note that this matter is extremely urgent.

Thank you,

Tony D'Amico
District Manager (Acting), Inspection Services
Toronto and East York District
95 The Esplanade – Ground Floor
Toronto, Ontario M5E 2A2
(416) 338-1215

From: Maschke, Ken [mailto:KMaschke@ThorntonTomasetti.com]
Sent: June 18, 2022 8:31 PM
To: Tony D'Amico <Tony.DAmico@toronto.ca>
Cc: Kamal Gogna <Kamal.Gogna@toronto.ca>
Subject: RE: Swansea Mews

Tony,
Received. I will start reviewing. Shall we plan to chat around 9:30?

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Ken R Maschke, P.Eng., P.E., S.E., LEED AP | Vice President
Thornton Tomasetti | 301-116 Spadina Avenue, Toronto, ON M5V 2K6
Direct +1.416.306.8106 | **Main** +1.416.306.8100 | **Mobile** +1.647.963.3277
KMaschke@ThorntonTomasetti.com | www.ThorntonTomasetti.com

From: Tony D'Amico <Tony.DAmico@toronto.ca>
Sent: Saturday, June 18, 2022 8:23 PM
To: Maschke, Ken <KMaschke@ThorntonTomasetti.com>
Cc: Kamal Gogna <Kamal.Gogna@toronto.ca>
Subject: Swansea Mews

[External Sender]

Good evening Ken,

As a follow up to our earlier conversation, Toronto Building is engaging the services of Thornton Tomasetti, please find attached the following information.

a) Order to Remedy an Unsafe Building issued June 12, 2022
b) Emergency Order to vacate buildings issued June 12, 2022
c) File containing four WSP Engineer's Reports and one Precast Design Solutions Engineer's Report
d) File containing three CS&P Architect's Field Review Reports
e) File containing three photos indicating onsite shoring and
f) Correspondence to Toronto Building CBO from TCHC dated June 17, 2022.

Please commence review of the attached documents, a full list of questions with follow shortly.

Thank you,

Tony D'Amico
District Manager (Acting), Inspection Services
Toronto and East York District
95 The Esplanade – Ground Floor
Toronto, Ontario M5E 2A2
(416) 338-1215

This is **Exhibit Q** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

Project Name:	Swansea Mews	Project Address:	21 Windermere, Toronto, ON
Issued to:	Tony D'Amico (Toronto Buildings)		
	Kamal Gogna (Toronto Buildings)		
Date Reviewed:	June 19, 2022	TT Project Number:	TO21013.00

01. BACKGROUND

On May 27, 2022 a section of the concrete ceiling collapsed in Unit 19 of the Toronto Community Housing Corporation (TCHC) Swansea Mews development at 21 Windermere, Toronto, ON. Thornton Tomasetti (TT) has been retained by Toronto Buildings to review the prior assessments and site conditions, establish independent conclusions about the safety of the buildings, and assist Toronto Building in answering specific questions to inform their actions.

TCHC commissioned WSP to review the site conditions. WSP issued multiple site visit reports and letters. Precast Design Solutions also visited the site and issued a report.

Since observing the initial failure WSP has been directing a testing regimen to evaluate the extent of the identified deficiency. This effort involves making a roughly 2' x 2' sawcut around the test specimen to isolate a small area of soffit adhesion to the plank stem and then striking the soffit with a hammer to see if it remains adhered. The results of these tests are summarized in the WSP reports. Thornton Tomasetti (TT) given site access to view several locations where such tests had been performed.

02. OBSERVATIONS

TT was provided with the above referenced documentation on the evening of Saturday, June 18 and visited the site to observe the field conditions on June 19, 2022. We were provided access to approximately a half dozen units with in which representative tests had been performed, but we were not granted entry to the unit in which the original collapse occurred. We observed instances of both "passing" and "failed" tests of the structural precast soffit.

The slab structure comprises "hollow-core" planks which span between loadbearing masonry walls. These planks are composed of 1-1/4" thick top and bottom slabs with three void spaces per plank. In the following discussions, we refer to the bottom slab component as the "soffit." Shop drawings from the original era of construction confirm that "hollow core" planks were to be delivered to the site, as apposed to some archaic precast alternate that may not have had a structural soffit.

WSP and Precast Design Solutions concluded that the collapsed ceiling comprised the bottom soffit of the structural hollow core plank. Based on the shop drawings and our limited observations, we agree with this assessment. Precast Design Solutions speculates that the shop fabrication process involved the following steps:

- first pouring the soffit and allowing it to harden to a degree
- potentially applying a bonding agent or adhesive
- installing removable forms to fabricate the voids
- pouring the web stems and top slab in a monolithic pour.

We agree that the observed site conditions support this theory. Some type or small granular material residue also appears bonded withing the inner voids. This material may have been part of the bond-breaker that allowed

removal of the void forms – something that would not have been necessary in conventional extruded precast fabrication.

No metal ties or reinforcing have been observed within the soffit assembly or bridging the interface between the soffit and the stems. However, there does appear to be a film of some type on the upper (interior) side of the soffit that may be an adhesive or bonding agent. The performance of this material may be influential in maintaining the adhesion of the soffit to the remainder of the structural plank.

We understand the non-destructive testing has shown that the structural reinforcing, ½" diameter 270 kip 7-wire strand (per the shop drawings), is embedded approximately 1-1/2" from the exposed surface of the remaining stem. The location of the strand is higher than would be expected of contemporary hollow-core construction. However, at the depth, it remains well covered irrespective of the soffit.

03. INITIAL CONCLUSIONS

03.1. Evacuation of the buildings

We agree with the decision to evacuate the buildings. There is potential for other areas of the soffit to fall without warning.

03.2. Testing methodology

We generally accept the test methodology being conducted. However, we can recommend some additional procedures to perhaps provide additional information:

- Perform tests in the laundry room. We didn't observe any tests in these areas, despite this being the location of the original failure. More data to compare the conditions in the laundry room versus other rooms might indicate whether possibly higher moisture contents and vibration from the washer/dryer could have led to the actual failure.
- Perform multiple tests in the same room, so as to develop a better understanding if the "good" conditions truly represent a difference of construction or if they just happen to be local areas where the bond between soffit and stem remains strong.
- Attempt other non-destructive testing methods, including ultrasonic pulse velocity (UPV) and ground penetrating radar (GPR). These may provide better correlation. If successful, a well correlated test could significantly assist in identifying good and bad areas.
- Attempt to determine the bond strength at the passing conditions. A pull or shear test could be performed at passed locations to put a numeric value to the well bonded conditions. This could be used to determine what area or percentage of "good" locations are required in order to retain the existing construction.

We agree that the results of the *current* testing regimen tend toward the conclusion that the potential for soffit failure should extend throughout. More and better correlated testing may yield enough results to give confidence to a decision to repair only the units with failed tests.

03.3. Precast construction

While we agree that the soffit was intended to be part of the *structural* section, it is important to identify and evaluate the performance aspects expected to be performed by this element. If understood more completely, other means of repair may be informed.

- The bottom soffit helps the assembly achieve a fire rating, 1) by providing cover to the reinforcing strand and 2) by providing a sufficient total depth of concrete at the void sections. The testing to date has shown that the strand is well embedded within the stem – this is unusual for hollow core, where the strand is usually lower within that soffit area. If the strand is well covered in the stem,

perhaps the soffit is not needed to protect the strand. If the soffit were removed in entirety, perhaps spray-applied fireproofing or a rated ceiling could restore the fire rating.

- As noted above, the strand depth is higher than expected. Analysis should be performed to verify that the planks achieve the design capacity with the strand at the noted height. The "viability" of retaining the existing system is reduced if found that the original construction contained a defect in the placement of the strand and therefore a reduction in load capacity. This should be determinable based on existing information.
- The soffit may be necessary to brace the stems which would remain in compression under light loading conditions because of the prestress in the strands. Likely some other form of bridging could be installed to restore the bracing.
- In precast construction the total concrete area is often used to determine stiffness (expected deflection). Removing the soffit (or simply realizing there is inadequate bond for monolithic behaviour) would reduce the stiffness of the plank. Whether stiffness is an issue should be determinable based on existing information.

The current test methodology doesn't evaluate the structural performance of the section. A full-scale load test could be performed on precast sections to evaluate the structural capacity and deflection with and/or without the soffit slab in place.

03.4. Repair options

We believe there are two repair goals: 1) repair or retention of the soffit and 2) repair and strengthening of the structural section. The two might be implemented together, but it is possible that the soffit could be abandoned and then the remaining section reinforced to a degree that restores the purpose of the soffit as described in item 3.3 above.

While we agree with the reasons stated not to anchor into the underside of the stem, it should be possible to detail a repair which opens a section of soffit and installs a soffit-support bracket that anchors to the side of the stem, safely clear of the strand. Such a bracket could be installed at equal spacing as required to support the unreinforced soffit. Elements could also be provided extending between brackets to provide necessary bracing to the stems.

Without the time and information at hand to fully design such a detail, we cannot conclude whether such can be fully executed as anticipated or within a viable cost or timeframe.

04. QUESTIONS RECEIVED FROM TORONTO BUILDINGS 6/18/2022

04.1. Is this building in imminent danger of structural failure?

There is imminent danger that additional portions of the hollow core plank soffit may fall, as experienced on May 27. Therefore, we agree with the current order to evacuate the units.

The soffit appears to be a portion of the structural plank. However, it is not clear to us at this time whether removal of the soffit would result in an immediate structural failure to support loads imposed above.

04.2. Are you in agreement with the WSP findings that salvaging the precast hollow-core panels is not a viable option?

We expect that reinforcing solutions are available.

We have not had the time or information necessary to perform structural and cost/value calculations to answer questions about *viability*. Repair options would need to be more fully developed and priced in order to ascertain whether remain is economically viable.

04.3. Based on the reports provided and your assessment, what is your professional opinion on whether it is safe for tenants to occupy the units once their respective units are shored. If so, for long? If not, why not?

We would advise against allowing the tenants to occupy the units with shoring in place.

The installed means of shoring, with post shores and wood cribbing, are fully exposed and easily tampered with or relocated. Tenants could remove the shoring themselves. Tampering with the shoring could actually exacerbate the likelihood of soffit failure though unintentional impact while moving the shores.

We also advise against anchoring the post shores to the concrete soffit as the impact by hammer drill and anchors could likewise exacerbate the likelihood of soffit failure.

04.4. Are you in agreement with the findings of WSP that buildings that demolishing the building is the only reasonable solution to remedy the unsafe condition. Please provide your rationale.

As noted in question 4.2, we anticipate that reinforcing solutions are available. The terms "viability" or "reasonable" introduce considerations for cost, disruption, reduction in performance, etc.

04.5. Are you in agreement with the technical rationale provided by Precast Design Solutions Inc for the failure of the hollow core floor panel?

We believe the observed conditions support the theory put forth by Precast Design Solutions for the original fabrication and ultimate failure of the hollow core soffit. We agree that the soffit is part of the structural hollow core section.

04.6. Are you in agreement with the Precast Design Solution report that the identified failures of the hollow core floor panels cannot be repaired?

We do not agree that the panels cannot be repaired. We do understand why they would not want to simply fasten the soffit through the bottom of the remaining stem because of potential to hit the strand.

However, a repair detail may be developed by which some soffit-supporting element is fastened to the vertical face of the stem, clearly avoiding the strand. A repair detail which assumes replacement of the soffit in its entirety and replacement with an alternate system could also be developed.

05. LIMITATIONS

Thornton Tomasetti's professional services have been performed in accordance with the standards of skill and care generally exercised by other professional consultants acting under similar circumstances and conditions at the time the services were performed. Thornton Tomasetti's findings, conclusions and opinions are based on Thornton Tomasetti's visual observations, professional experience and sound investigation practices.

While Thornton Tomasetti's findings are summarized as of the date of issuance, should new information or additional documentation become available, Thornton Tomasetti may amend or revise its opinions and recommendations accordingly. Conditions noted in this report are as of the time of observation only. It can be expected that the subject building will undergo changes and additional deterioration subsequent to that date.

This report shall not be construed to warrant or guarantee the building and/or any of its components under any circumstances. Thornton Tomasetti shall not be responsible for latent or hidden defects that may exist, nor shall it be inferred that all defects have been either observed or recorded. Thornton Tomasetti's visual observations include no specific knowledge of concealed construction or subsurface conditions at the subject property. Comments pertaining to concealed construction or subsurface conditions are professional opinion of Thornton Tomasetti based on relevant experience, judgment and current standards of practice. No other warranty, express or implied, is made as to the professional advice presented in this report.

This is **Exhibit R** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

From:	James Liu
To:	Kamal Gogna
Cc:	Tony D"Amico
Subject:	RE: Swansea Mews - Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI)
Date:	June 19, 2022 3:14:41 PM
Attachments:	image001.png

Hi Kamal,
The following reply in blue of for your reference.
Best Regards,
James Liu P.Eng
Building Engineer
Tel: 416.392.7529

From: Kamal Gogna
Sent: June 19, 2022 9:30 AM
To: James Liu
Cc: Tony D'Amico
Subject: Re: Swansea Mews - Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI)

Good morning James,
Further to my last email, with the information we have available to us are you able to provide us with a response to the following questions?
1. Is this building in imminent danger of structural failure?
Yes, based on the sample observation and the existing design drawings, I agree that there is an imminent danger of structural failure. From the viewpoint of an engineer, the failure can occur randomly and instantly (brittle failure) without early signs, even though the buildings have be occupied for about 50 years.
2. Are you in agreement with the WSP findings that salvaging the precast hollow-core panels is not a viable option?
Yes, I agree that salvaging the existing precast hollow-core panels is not a viable option. The available design drawings indicated that the bonding of prestressing tendon replies mainly on the integrity of concrete. It appears the 35 mm thick bottom slab was not cast monolithically with the web and top slab section. No effective method can remedy this fault in this project.
3. Based on the reports provided and your assessment, what is your professional opinion on whether it is safe for tenants to occupy the units once their respective units are shored. If so, for long? If not, why not?
Based on the reports provided and my assessment, it is not recommended for any tenants to temperately occupy the units even with shoring.
Please be aware the shoring is only temporary measure to minimize the risk. To make things even worse, the precast concrete panels were not fabricated as design nor convention manufacture method. The huge risk of failure is not controllable currently, since the failure can occur randomly and instantly (brittle failure) without early signs.
4. Are you in agreement with the findings of WSP that buildings that demolishing the building is the only reasonable solution to remedy the unsafe condition. Please provide your rationale.
It may be too early to drawing the final conclusion that demolishing the entire building is the only reasonable solution, even though the complete demolition is the most likely and reasonable solution

until now without further information or evaluation.
Based on the design drawings and observation, the precast concrete slabs were not fabricated as design nor convention manufacture method. So, the available design drawings are not reliable for the final conclusion. It is recommended to conduct detailed investigation and evaluation to several sample slabs as soon as possible, which may include a complete destructive examination.
5. Are you in agreement with the technical rationale provided by Precast Design Solutions Inc for the failure of the hollow core floor panel?
I completely agree the technical rationale provided by Precast Design Solutions Inc for the failure of the hollow core floor panel. The failure should be mainly due to the lack of integrity of concrete between the web and bottom panels.
6. Are you in agreement with the Precast Design Solution report that the identified failures of the hollow core floor panels cannot be repaired?
I agree that original hollow core floor panels cannot be repaired to its intended design. No rehabilitation method or tool, including injecting adhesive, cannot create sufficient bonding at the construction joints of the existing panels. Especially, the reliable bonding of prestressing tendon to concrete cannot be guaranteed.
Kamal
Sent from my iPhone

On Jun 18, 2022, at 8:27 PM, James Liu <James.Liu@toronto.ca> wrote:

Hi Kamal,
I reviewed the following 8 reports regarding the ceiling failure in Unit #19 at Swansea Mews:

1. Three Field Review Reports by CS&P Architects, dated Jun 12, 12 & 14, 2022
2. Three Site visit Reports by WSP, dated May 30, Jun 12 & 16, 2022.
3. Engineering Recommendations by WSP, dated Jun 18, 2022
4. Precast Engineering Report by Jovo Mitrovich, dated Jun 18, 2022

Observation and Reason of Failure:
1. The floor structure of the buildings consists of precast hollow-core panels. But no structural design drawing or fabrication document of the panels is available currently. It appears the 35 mm thick bottom slab was not cast monolithically with the web and top slab section. To make things even worse, there is no steel tie crossing the construction Joints for composite performance.
2. The debonding/separation at the construction joints may occur randomly due to many reasons, such as daily vibration or dry shrinkage or temperature deformation of concrete. Thus, the failure can occur randomly and instantly (brittle failure) without early signs.
Recommendations by Consultants:
1. The destructive in-situ testing performed only in 14 units until now. However, the observation and reason of failure indicated that all the units should be deemed as unsafe and be vacated.
2. The precast panels in all units in this townhouse complex should be shored ASAP.

But, shoring is only a temporary measure to allow safe removal of belongings from units, rather than allowing tenants to re-occupy their units with shoring.
3. WSP recommends that all residential blocks at Swansea Mews be demolished. It is WSP's opinion that the bond at the construction joints cannot be relied on to maintain the composite performance of the hollow-core panels. Furthermore, salvaging the precast hollow-core panels is not a viable option since no repair method would reinstate the original and the intended composite performance, either from the structural or the fire rating aspect.

My Additional Suggestions:

1. Try to find any available structural design information of the existing buildings, especially about the precast concrete panels. It will be valuable for the final decision making.
2. Before making decision of demolishing and reconstructing all the existing townhouses in the entire Swansea Mews community, the engineer should investigate the structural properties of the existing precast panels by removing and testing several panels only.
If the existing precast panels without the bottom slabs could have sufficient capacity for the intended usage, then removal of all the bottom slabs from the panels and installing new ceiling such as gypsum board could be another option for consideration.
3. Highly recommend the owners to conduct investigation to all the similar buildings in Toronto.

Please let me know if I can be of any further assistance.

Best Regards,

James Liu P.Eng
Building Engineer
Toronto Building –Toronto & East York District
100 Queen ST W, 16th FL, East Tower, Toronto ON M5H 2N2
Tel: 416.392.7529
E: james.liu@toronto.ca

From: Kamal Gogna
Sent: June 18, 2022 5:36 PM
To: James Liu <James.Liu@toronto.ca>
Subject: FW: Swansea Mews - Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI)

FYI and review

From: Darragh Meagher [mailto:Darragh.Meagher@torontohousing.ca]
Sent: June 18, 2022 4:56 PM
To: Will Johnston <Will.Johnston@toronto.ca>; Kamal Gogna <Kamal.Gogna@toronto.ca>; Tony D'Amico <Tony.DAmico@toronto.ca>; Naomi Brown <Naomi.Brown@toronto.ca>; Chris Soczek <Chris.Soczek@toronto.ca>
Cc: Noah Slater <Noah.Slater@torontohousing.ca>; Maureen O'Shaughnessy <Maureen@csparch.com>; Victor Peralto <vperalto@csparch.com>; James Cooper <jcooper@rjc.ca>; Jag Sharma <Jag.Sharma@torontohousing.ca>
Subject: Swansea Mews - Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI)

Attached hereto please find the report from Branko Kraincanic, P. Eng. of WSP, along with the attachments referred to therein, in response to the requirement contained in Order to Remedy Unsafe Condition (Order Number: 22 160823 UNS 00 VI) to provide a report outlining the repair methodology as to alleviate the unsafe conditions in the townhouse units, as well as the requirement, communicated earlier today, that the report answer the following questions:

1. Can the identified unsafe condition be resolved by providing shoring on a temporary basis while the permanent and long term solution is being developed and implemented? If shoring is not a viable option, what other technical, temporary solution(s) are proposed to resolve the unsafe condition on a temporary basis.
2. While the unsafe condition is made temporarily safe, can the tenants stay and live within the units?
3. If the answer to the above two questions is no, we require the professional engineer to provide the technical rational as to why not.

In providing this report, I would note that TCHC will, as noted in our correspondence to you of June 16, 2022, continue its efforts towards ensuring that the buildings that comprise the Swansea Mews development are vacated by tenants. During this process we will continue the shoring of the building in order to improve the overall safety of those who are working and, unfortunately, continuing to reside in the building. This shoring is clearly not a solution to the structural issues that have been identified by engineers retained to assist TCHC in relation to this matter. Further, there is some risk that it will provide tenants with a false sense of security that they are safe to continue to reside in the building or can return to the building, given the addition of the shoring. Regardless, it is a further temporary measure that we can take in order to enhance the safety of those in the building at this time and so we will take it.

Darragh Meagher (he/him)
General Counsel and Corporate Secretary
Toronto Community Housing
931 Yonge Street, 6th Floor, Toronto, ON M4W 2H2
T: 416 981 4241
torontohousing.ca

This is **Exhibit S** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

TORONTO

William Johnston, P.Eng.
Chief Building Official &
Executive Director

Tracey Cook, Deputy City Manager
Infrastructure & Development Services

Toronto Building
City Hall
12th Floor, East Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-397-4446

Email:
will.johnston@toronto.ca
www.toronto.ca

June 23, 2022

Dear Swansea Mews Tenants,

RE: Emergency Order Prohibiting Occupancy issued June 12, 2022

I am the City of Toronto's Chief Building Official and Executive Director for Toronto Building. As the City's Chief Building Official, I provide regulatory oversight of the delivery of Building Permit and Inspection services across the City. In addition to this role, I am also responsible for addressing emergency incidents related to unsafe buildings. My responsibility to carry out these duties is embedded in law through the provincial *Building Code Act* (the "BCA"). All actions I have taken to date regarding Swansea Mews have been pursuant to my authority in this regard under the BCA. While I recognize that you have concerns about TCHC, I emphasize that I am independent of them and that my sole objective is to address this current urgent safety issue with your best interests in mind.

As you are aware, Toronto Building issued an emergency order to TCHC based on reports prepared by TCHC's engineers on June 12, 2022 which concluded that the townhouse units at the property are uninhabitable given the imminent risk of structural failure. This order required TCHC to immediately vacate all homes at Swansea Mews due to the unsafe structural condition related to the manufacturing of the hollow core concrete floor/ceiling assemblies used to construct your homes. In addition to the emergency order, additional Orders to Remedy Unsafe Building were issued to TCHC which required TCHC to provide me with a further engineering report by June 17, 2022 describing the specific repairs that need to be taken to allow you to safely return to your homes.

Over the weekend, I received these reports from TCHC's engineers. The reports confirmed that your homes cannot be occupied due to the unsafe condition, and that it is not safe for you to remain in your homes even with temporary bracing in place.

Due to the serious and significant impact of these recommendations for you, on the weekend, I hired an independent engineer at the City's expense to assess these reports, carry out a site inspection, and confirm if they are in agreement with the findings of TCHC's engineers. Our independent engineer not only confirmed that your homes are unsafe, but he also confirmed that it is not safe for you to remain in your home even with temporary bracing in place. With a view to being transparent and providing you with as much information as possible, I am sharing copies of these engineering reports with you. (See attached. Please note that the earlier engineer's reports were provided to you with the emergency order.)

TORONTO

Based on my review of all of the information and engineering reports that have been shared with me, it is clear that it is not safe for you to live in your homes. It is therefore imperative that you immediately vacate your homes now. It is my understanding that TCHC has secured safe temporary accommodations for you.

I can advise that I am continuing to pursue with TCHC's engineers what work needs to be done to ensure that the buildings are safe for re-occupancy and the time frame for that work to be completed. While there may be differing opinions as to the best approach to addressing the emergency condition, it is clear that this will not be resolved in the short term. I reiterate that your safety is my primary concern. I can also assure you that the emergency order will be lifted as soon as I am satisfied that the buildings are rendered safe for re-occupancy. However, until then, the buildings must be vacated immediately.

Please be clear that the emergency order issued by Toronto Building, which prohibits occupancy of the townhouse units at Swansea Mews, has no bearing whatsoever on the landlord tenant relationship between you and TCHC. In other words, the emergency order does not have the effect of terminating your tenancies. This would fall outside the scope of my jurisdiction under the BCA. Once again, my only interest is in ensuring that the emergency condition is addressed.

Lastly, I want to advise you that I am in the process of submitting an application to the Superior Court of Justice for an Order confirming and enforcing the emergency order. We will be seeking to have this court application dealt with by the court on an urgent basis. However, in the meantime, I am hopeful that you will appreciate the urgency of this matter and vacate your homes immediately. I understand that this situation is extremely difficult, so I have asked other City Divisions to support TCHC to best meet your needs during this difficult time.

A community meeting has been organized to answer any questions or concerns you may have regarding the Orders we have issued, the steps we are taking, the court application we are bringing, and most importantly, the requirement that you immediately vacate your home. This meeting will be held tonight, June 23, 2022, at 6:00 pm at Swansea Mews (courtyard beside the Hub Office). In addition from hearing from me, TCHC staff will be on site to connect tenants to temporary accommodations, and share information about the longer-term Tenant Relocation Process. Please be advised that the portion of the meeting addressing the emergency order and matters within the City's jurisdiction is separate and independent of TCHC and the matters within their control.

Should you have any questions related to our orders or Toronto Building's role in this matter, please contact 311.

Will Johnston, P.Eng.
Chief Building Official and Executive Director

311
toronto at your service

This is **Exhibit T** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

Kamal Gogna, P. Eng.
Interim Director & Deputy Chief
Building Official
Toronto & East York District

William Johnston, P.Eng.
Chief Building Official &
Executive Director

Toronto Building
Toronto City Hall
16th Floor, East Tower
100 Queen Street West
Toronto, Ontario M5H 2N2

Tel: 416-392-7523
Fax: 416-392-7536
Kamal.Gogna@toronto.ca

June 23, 2022 (Updated June 24, 2022)

Toronto Community Housing Corporation
c/o Allen Murray
931 Yonge Street, 6th Floor,
Toronto, ON M4W 2H2

Re: **21 Windermere Ave – Swansea Mews**

We acknowledge receipt of the engineer's reports dated June 17, 2022 which were provided to the City in response to the Order to Remedy Unsafe Condition dated June 12, 2022 (the "Unsafe Order"). These reports have been carefully reviewed internally along with all the reports previously submitted. Further, given the significance of the issues raised in the Unsafe Order (and particularly with respect to what work needs to be done to allow the tenants to re-occupy their units), Toronto Building retained the services of Thornton Tomasetti ("TT"), professional engineers, to conduct an independent inspection and carry out an independent review of the WSP, CS&P Architect, RJC and Precast Design Solutions Inc. reports submitted to the City to date. Enclosed please find a copy of the report prepared by TT for the City (the "TT Report").

All the reports received, including the TT Report, substantiate that the buildings at the property are uninhabitable and that the tenants must vacate all the units immediately. Further, all the reports are consistent in concluding that even with shoring in place, occupancy of the buildings cannot be maintained.

Having said that, the reports are not consistent with respect to whether the ceiling panels can be repaired and with respect to whether the buildings are salvageable. You will recall that the Unsafe Order required your engineers to provide a methodology for repair work, to identify what work needs to be carried out to allow the tenants to re-occupy their units, and to provide a timeframe for said work. Given the differing opinions amongst the experts, these issues have yet to be clarified.

You will note that the TT report recommends conducting further evaluation and testing. While the report confirms that the "current" testing procedures lead to the conclusion that the potential for bottom slab failure extends throughout the Swansea complex, the report raises whether the conclusion can reliably be reached in the absence of other testing techniques. More specifically, TT opines that "*More and better correlated testing may yield enough results to give confidence to a decision to repair only the units with failed tests.*" The report also comments on possible repair options in contrast to WSP's conclusion that the buildings must be demolished. Lastly, the report further advises that the current test methodology does not

evaluate the structural performance of the precast floor slab. TT submits that a full-scale load test could be performed to evaluate the structural capacity and deflection with and/or without the bottom slab in place.

As a result of differing professional opinions, we are not satisfied that the issues raised by the Unsafe Order have been adequately addressed. As such, pursuant to the issued Unsafe Order , you are hereby directed to have your engineer conduct a comprehensive review of the TT Report and provide a response on all issues raised therein **by no later than June 29th, 2022.** In particular and without limiting the scope of the review please include in your response the following:

1. Evaluation of the structural capacity and deflection of the existing pre-cast hollow core slab floor to determine the load limitations with the existing structural reinforcing embedded approximately 1- ½ inches from the exposed surface of the remaining stem and without the bottom slab.
2. Analysis of the potential impact of the appliances and water leakage on the laundry room slab system leading to the cause of the actual failure in unit 19.
3. Comment on the feasible and appropriate of the suggested tests.

Finally, I remind you that the Emergency Order issued on June 12, 2022, which prohibits occupancy of all the Swansea Mews townhouse units, remains in effect. We reiterate that it is the responsibility of TCHC to take any necessary steps to ensure that the buildings are vacated by the tenants immediately in order to ensure their safety. As many of the tenants have yet to vacate, Toronto Building will be bringing an application to the Superior Court of Justice to enforce the Emergency Order.

Should you have any further questions, please do not hesitate to contact me directly.

Best Regards,

Kamal Gogna, P. Eng.
Interim Director & Deputy Chief Building Official
Toronto Building, Toronto and East York District

CC: Will Johnston, Executive Director and CBO
Jag Sharma, TCHC
Tony D'Amico, Toronto Building

This is **Exhibit U** referred to in the Affidavit of Will Johnston sworn on the 29th day of June, 2022.

Naomi Brown
A Commissioner for taking Affidavits, etc.

From:	Kamal Gogna
To:	Allen Murray
Cc:	"Darragh Meagher"; Will Johnston; Tony D"Amico; Jag Sharma; Naomi Brown; Jared Wehrle
Subject:	RE: Swansea
Date:	June 29, 2022 3:38:51 PM
Attachments:	image001.png Statement by the DCBO.pdf

Good afternoon Allen,
Pursuant to Subsections 15.10(5) and (6) of the Building Code Act, 1992 as amended, I am serving the required Statement. Please refer to the attachment.
Should you have any questions please advise.
Regards,
Kamal Gogna, P.Eng
Director and Deputy Chief Building Official

From: Kamal Gogna
Sent: June 24, 2022 9:54 AM
To: Allen Murray
Cc: 'Maureen O'Shaughnessy' ; 'Victor Peralto' ; 'Kraincanic, Branko' ; 'James Cooper' ; 'Darragh Meagher' ; Will Johnston ; Tony D'Amico ; Jag Sharma
Subject: RE: Swansea
Good morning Allen,
Further to the below email to Noah Slater, please ignore the letter send yesterday and dated June 23, 2022. The attached letter supersedes the one provided earlier. A copy of the independent engineer's report is also re-attached for your convenience.
If you have any questions, please advise.
Thank you,
Kamal Gogna

From: Kamal Gogna
Sent: June 23, 2022 4:46 PM
To: 'Noah Slater' <Noah.Slater@torontohousing.ca>
Cc: Maureen O'Shaughnessy <Maureen@csparch.com>; Victor Peralto <vperalto@csparch.com>; Kraincanic, Branko <Branko.Kraincanic@wsp.com>; James Cooper <jcooper@rjc.ca>; Darragh Meagher <Darragh.Meagher@torontohousing.ca>; Will Johnston <Will.Johnston@toronto.ca>; Tony D'Amico <Tony.DAmico@toronto.ca>
Subject: RE: Swansea
Hello Noah,
Pursuant to the Orders issued by Toronto Building for the Swansea complex, please refer to the attached letter and our independent engineer's report for your further action.
Should you have any questions, please advise.
Thank you,
Kamal Gogna

From: Noah Slater [mailto:Noah.Slater@torontohousing.ca]
Sent: June 19, 2022 10:12 PM
To: Kamal Gogna <Kamal.Gogna@toronto.ca>; Will Johnston <Will.Johnston@toronto.ca>; Tony D'Amico <Tony.DAmico@toronto.ca>

Cc: Maureen O'Shaughnessy <Maureen@csparch.com>; Victor Peralto <vperalto@csparch.com>; Kraincanic, Branko <Branko.Kraincanic@wsp.com>; James Cooper <jcooper@rjc.ca>; Darragh Meagher <Darragh.Meagher@torontohousing.ca>
Subject: Swansea
Importance: High

Tony,

Thank you for meeting me on site this morning.

Please let us know when the City's engineering report is complete and can be shared.

Our engineering team will be performing more destructive testing on site tomorrow, as a point of due diligence.

We will likely begin around 10am, it may be good to have you and/or the City's retained engineer to join us.

Also, I never heard back from our request from a few weeks ago. Has the city been able to locate any permit or construction documentation on the building's original construction?

ns

Noah Slater
Senior Director,
Capital Planning, Design & Engagement
Toronto Community Housing
35 Carl Hall Rd, Toronto, ON M3K 2B6
T: 416 981-5806
C: 647 217-2451
torontohousing.ca

Positive Tenant Experience | Quality Homes | Vibrant Communities

TORONTO

100 Queen Street West
Toronto, ON M5H 2N2
BCIN: 13792

Statement By The Chief Building Official

Pursuant to Subsection 15.10(6) of the Building Code Act, 1992

Order Number: 22 160825 ECO 00 VI Date Order issued: June 12, 2022

Address to which Order applies:
21 WINDERMERE AVENUE

Order issued to:
TORONTO COMMUNITY HOUSING CORPORATION
931 YONGE ST. 3RD FL
TORONTO, ON M4W 2H2
CANADA

As provided for in Subsection 15.10(6) of the *Building Code Act, 1992* (the "BCA"), Toronto Building has and is taking the following steps to enforce the Emergency Order dated June 12, 2022 (the "Emergency Order"):

Toronto Building ensured that the Emergency Order along with copies of the attached engineer's reports was served on every tenant of the Swansea Mews complex on the evening of June 12, 2022, immediately following the issuance of the order. A copy of the Emergency Order was additionally posted in several conspicuous locations on site.

On June 12, 2022, Toronto Building further issued to TCHC an Order to Remedy Unsafe Building pursuant to s. 15.9(4) of the BCA, 1992 ("OTRUB") which requires TCHC to retain a professional engineer to determine what work needs to be carried out to terminate the unsafe condition at the Property and to allow for re-occupancy of the buildings by the tenants. This is still being explored by all the qualified professionals retained.

On June 14, 2022, the Chief Building Official (the "CBO") attended a Town Hall organized by TCHC which was attended by the tenants of Swansea Mews and was available to answer questions.

On June 23, 2022, the CBO provided a letter to all the tenants of the Swansea Mews explaining the contents of the Emergency Order, imploring the tenants to comply and vacant their units immediately, and advising that a court application would be brought to enforce the Emergency Order.

On the evening of June 23, 2022, the CBO attended a Town Hall meeting in the court yard of Swansea Mews to again explain the contents of the Emergency Order and the requirement to vacate the residential units due to the structural unsafe condition identified by various professional engineers.

The CBO and his staff sent several letters and emails to TCHC reminding them of their obligation to comply with the Emergency Order prohibiting use and occupancy of the Swansea Mews buildings and of their obligation to take the necessary steps to ensure that any persons still remaining at the Property are safe.

TORONTO

The CBO is bringing an application to the Superior Court of Justice pursuant to subsection 15.10(7) and section 38 of the BCA to confirm and enforce the Emergency Order.
Toronto Building continues to pursue TCHC and the qualified professionals involved to determine what work needs to be carried out (repair or replacement) to terminate the danger and allow for re-occupancy of the buildings by the tenants. However, measures to terminate the danger cannot be taken unless and until all units are fully vacated.

No costs have been incurred by the City that will be charged to TCHC.

Statement issued by:
Signature June 29, 2022 BCIN 13792 Telephone (416) 392-7523
Name Kamal Gogna, Director and Deputy Chief Building Official
Address Toronto Building Division, 16th Floor, East Tower,100 Queen St W, Toronto ON., M5H 2N2

Note:
 This statement is related to the Emergency Order referenced at the top of this page

Court File No. CV-22-00683263-0000

B E T W E E N :

CITY OF TORONTO, et al And TORONTO COMMUNITY HOUSING CORPOARATION

(Short Title of Proceeding)

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

APPLICATION RECORD

CITY SOLICITOR'S OFFICE
Station 1260, Metro Hall
55 John St., 26th Floor
Toronto, Ontario, Canada
M5V 3C6

Naomi Brown
LSO NO. 37755B
Tel: (416) 392-0121
Email: naomi.brown@toronto.ca

Jared Wehrle
LSO No. 68942I
Tel: (416) 338 - 5863
Email: Jared.Wehrle@toronto.ca

Lawyers for the Applicants