

MINUTES OF COUNCIL MEETING

STRATA PLAN LMS-1491

HELD: On Wednesday, November 22, 2006 at 6:30 p.m. in the Common Area Office at 1500 Pendrell Street, Vancouver, B.C.

PRESENT:

Jeff Kingsley	#421	
Christine Fretwell	#213	
Janet Brien	#318	
Marc Antonich	#422	
Sherry Caves	#415	(left at 7:00 pm)
Martin Brook	#424	

REGRETS: Frank Froebel #111

GUESTS:

Maurice Hulsher, Alumni Painters		(6:30 pm – 7:00 pm)
Russ Husum	#507	(7:15 pm – 7:30 pm)

STRATA AGENT: Bunny Porteous, Vancouver Condominium Services Ltd.

The meeting was called to order at 6:35 p.m.

ELECTION OF OFFICERS:

The following officers were elected:

- | | | | |
|----------------------|---|----------------------------|------|
| • Jeff Kingsley | - | President | #421 |
| • Janet Brien | - | Vice-President | #318 |
| • Christine Fretwell | - | Treasurer | #213 |
| • Frank Froebel | - | Security | #111 |
| • Marc Antonich | - | Buildings Maintenance | #422 |
| • Martin Brook | - | Project Manager/Landscaper | #424 |
| • Sherry Caves | - | Secretary | #415 |

GUEST BUSINESS #1 – Maurice Hulsher/Alumni Painting

Mr. Hulsher of Alumni Painters was invited to attend the council meeting to present colour story boards for the painting of the hallways, doors and lobby area. Mr. Hulsher had previously met with council member Sherry Caves and a paint decorator from ICI Paints to review and select sample colours for the hallways, doors and lobby area. Mr. Hulsher presented an updated quotation in the amount of \$49,850 to remove the wallpaper, and complete the painting of all required areas as per the painting project resolution voted on at the AGM on October 18, 2006.

The following owners were nominated for council for 2006/2007:

Jeff Kingsley	Unit #421	E
Frank Froebel	Unit #111	E
Christine Fretwell	Unit #213	E
Janet Brien	Unit #318	E
Larry Bauer	Unit #407	
Sherry Caves	Unit #415	E
Mark Antonich	Unit #422	E
Martin Brook	Unit #424	E
Sara Bryant	Unit #210	

There being no further nominations, it was moved, seconded and carried to cease nominations. The owners nominated were declared elected by acclamation.

A secret ballot vote was taken and those owners with an E beside their unit number were elected to strata council.

There being no further business, the meeting was adjourned at 9:00 p.m. The next meeting will be held on November 22, 2006 at 6:00 p.m. in the Common Area Office.

Bunny Porteous
Vancouver Condominium Services Ltd.
#400 - 1281 West Georgia Street
Vancouver, B.C.
V6E 3J7

Telephone: (604) 684-6291 (24 Hour Emergency Services)
Toll Free: 1-877-684-6291 / Fax: 604-684-1539

BP/sp

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners, Strata Plan LMS-1491, that the bylaws of their strata corporation be amended by adding a new bylaw 38.9, to read as follows, such amendment to be effective upon the filing of an Amendment to Bylaws in prescribed form in the Land Title Office:

- 38.9 An owner who has received permission to rent, may only rent for a term of one year. The owner may re-apply to the strata council three months in advance of the term expiring for approval to extend the rental for a further term of one year.

After discussion, it was moved, seconded and **defeated** to adopt $\frac{3}{4}$ Vote Resolution #3 – Rental Bylaw Amendment (19 in favour, 25 opposed and 4 abstentions).

NEW BUSINESS

1. Caretaker's Office: Council member, Sherry Caves distributed a proposal to upgrade the caretaker's office as a recreational common area room for all owners. Ms. Caves has recommended adding couches, coffee tables and games. One owner asked if the room would be available for rent. The recommendations will be brought to the first council meeting for discussion.
2. Washroom Door: An owner inquired as to when the men's washroom door will be replaced. This will be discussed at the next council meeting.
3. Gym Key: An owner requested that council review the charge to purchase a gym area key to enter the gym area as this is a common area for all. One council indicated that, due to the amount of theft, residents bringing dogs into the gym area and smoking in the gym, this would deter from the area being used as a meeting room, and used for residents to work out.
4. Capital Plan/Envelope Assessment: Council president, Jeff Kingsley, reported to the owners that the council's recommendation is to develop a three to five year capital plan, to complete the priority structural deficiencies which have been identified. Should any new issues arise in the near future, the council will renew the option of recommending an envelope assessment.
5. Load Bearing Walls: Council president, Jeff Kingsley indicated that the council has begun discussion to proceed with phase II for the load bearing wall project. The next units to have the sills replaced would be units #105, #106, #107, #108, #109 and #110. Owners will be updated with further information on the scheduled dates.

ELECTION OF STRATA COUNCIL

The members of council for 2005/2006 automatically retired from their positions, pursuant to the *Strata Property Act*. The owners expressed their appreciation for a job well done by their outgoing council.

It was moved, seconded and **carried** to adopt the budget.

OWNERS PLEASE NOTE: THERE WILL BE NO INCREASE IN STRATA FEES.

PLEASE ISSUE TWELVE (12) NEW POST-DATED CHEQUES COMMENCING NOVEMBER 1, 2006, MADE PAYABLE TO "STRATA PLAN LMS-1491". PLEASE SEE THE ATTACHED STRATA FEE PAYMENT SCHEDULE FOR DETAILS.

IF YOU ARE ON THE PAC AUTOMATIC PAYMENT PROGRAM, YOU NEED DO NOTHING AS YOUR PAYMENTS WILL CONTINUE AUTOMATICALLY FOR THE 2006/2007 FISCAL YEAR.

The following 3/4 vote resolution was presented to the owners for their consideration:

**3/4 VOTE RESOLUTION #2
- INTERIOR PAINTING**

WHEREAS The Owners, Strata Plan LMS-1491 wish to expend a maximum of \$30,000 to complete the interior painting of the common area hallways, stairwells, fire doors and frames, and unit door frames.

BE IT RESOLVED by a ¾ vote resolution of The Owners, Strata Plan LMS-1491, that a sum of money not exceeding \$30,000 be spent for the purpose of completing the interior painting of the common area hallways, stairwells, fire doors and frames, and unit door frames, such expenditure to be charged as a special levy upon the owners in proportion to the unit entitlement of their respective strata lots.

Subject to Sections 108(5) and (6) of the Strata Property Act (see attached), in the event that the actual cost of the proposed project is less than the special levy amount, the remaining funds shall be transferred to the Contingency Reserve Fund. Interest earned on funds raised pursuant to this resolution will be allocated to the special levy fund.

This special levy of \$30,000 shall be assessed on October 18, 2006, and shall become due and payable in full immediately on the passing of this resolution by the owners on title as at the end of that day and any owner who sells, conveys or transfers his/her title, or remortgages, before payment of this special levy is made in full, shall then pay the full amount outstanding. As a matter of financial convenience only, the owners may pay this special levy at any time up until November 1, 2006 without a fine being assessed. Notwithstanding the foregoing, this special levy is not considered as an "installment" levy as contemplated by Section 108(3)(e) of the Strata Property Act, and Section 109 of the Strata Property Act therefore does not apply.

Any owner who fails to make any payment(s) in accordance with this resolution shall be assessed a fine of \$25.00 on each such late payment. The strata corporation may further add interest charges on overdue payments at the rate of 10% per annum compounded annually.

Sections 116, 117 and 118 of the Strata Property Act (see attached) shall be applicable where an owner fails to make the required payment as authorized by the passing of this $\frac{3}{4}$ vote.

It was moved, and seconded to place $\frac{3}{4}$ Vote Resolution #2 – Interior Painting on the floor for discussion.

A motion was presented to **amend** the resolution as follows:

"To increase the funding to a maximum of \$50,000 to complete the interior painting of the common area hallways, stairwells, fire doors and frames, and unit door frames via a special levy."

Following discussion, it was moved, seconded and carried to **amend** the resolution by more than 75% of the vote (47 in favour, 1 opposed, 0 abstention).

A second motion was presented to **amend** resolution to include the following areas within the scope of work:

"removal of the existing wallpaper in the hallways, and painting of the unit doors."

Following discussion, it was moved, seconded and carried to **amend** the resolution by more than 75% of the vote (47 in favour, 0 opposed, 1 abstention).

A third motion was presented to **amend** resolution as follows:

"To change the payment plan for the special levy from November 1, 2006 to December 1, 2006."

It was moved, seconded and carried to **amend** the resolution by more than 75% of the vote (unanimous).

Following further discussion it was moved, seconded and **carried** to adopt $\frac{3}{4}$ Vote Resolution #2 Interior Painting as amended (unanimous).

The following $\frac{3}{4}$ vote resolution was presented to the owners for their consideration:

***3/4 VOTE RESOLUTION #3
- RENTAL BYLAW AMENDMENT***

WHEREAS The Owners, Strata Plan LMS-1491, pursuant to Division 2 of Part 7 of the Strata Property Act, S.B.C. 1998, may amend the bylaws of their strata corporation;

AND WHEREAS The Owners, Strata Plan LMS-1491, wish to amend the bylaws of their strata corporation;

Mr. Hulsher indicated that the quote of \$49,850 was applicable with the start date before December 1, 2006 as he has a three week opening to complete the painting project. Should the work be delayed until after January 1, 2007, an additional 10% would be added to the quote.

Mr. Hulsher recommended painting a sample of the three selected colours on a hallway wall for all owners to view.

The council approved Alumni Painting to proceed with the painting project. The agent will request Alumni Painting to apply the sample colours for owners to review on the alcove on the 4th floor. A storyboard of the same sample colours will be posted in the common area office for owners to select the colours of their choice by November 29, 2006.

After further discussion, the council thanked Mr. Hulsher and he departed the meeting at 7:00 p.m.

GUEST BUSINESS #2 - Russ Husum/Owner

Mr. Russ Husum attended the council meeting to inquire if he could set up a sub-committee for the painting project to choose sample paint colours and paint several unit doors with the sample colours for the lobby, hallways and doors and frames for owners to view.

The council informed Mr. Husum that a council member met with a paint decorator from ICI and the owner of Alumni Painting to review the building recommended colours. Mr. Husum was shown three samples colours for each of the areas to be painted and told that Alumni Painting would be painting the fourth floor alcove with the recommended three colours per area for owners to view and vote on.

Mr. Husman departed the meeting at 7:30 p.m.

MINUTES

It was moved, seconded and carried to adopt the minutes of the September 20, 2006 council meeting, as circulated.

FINANCIAL REPORT

1. **Monthly Statements:** It was moved, seconded and carried to adopt the September and October, 2006 financial statements, as presented. Any owner wishing a copy of the strata corporation's financial statements should contact Vancouver Condominium Services Ltd. during regular business hours, 9:00 a.m. to 4:30 p.m., Monday to Friday.
2. The current balances for the 2nd month as at October 31, 2006 in the appropriate funds are as follows:
 - Total Cash Balance \$442,446.66 (including CRF Balance)
 - CRF Balance \$ 76,204.27 (Contingency Reserve Fund)
3. **Arrears:** The agent indicated that letters have been sent to 48 owners who are in arrears with strata fees and/or special levy payments requesting payment within 14 days.

If payment is not received within 14 days, a Demand Letter for payment will be sent within 21 days. Should payment still not be received, a Certificate of Lien will be filed against owners' units with the \$350 cost to be charged against the strata lot.

Reminder: Special Levy Payments for the Interior Painting Project are due DECEMBER 1, 2006. Any owner who fails to make their payment by December 1, 2006 in accordance with the resolution shall be assessed a fine of \$25 on each such late payment.

4. Audit: The audit of the financial statements for the 2005/2006 fiscal year has been finalized and distributed to the council.
5. Invoices: The following invoices were reviewed and approved:
 - i) Western International \$14,818.80 For the exterior deck repairs to unit #112.
Development
 - ii) Lonsdale Flooring \$56,180.00 For the supply and installation of carpeting for hallways and stairwells. The council approved payment of the invoice minus 10% holdback until completion of the minor deficiencies.
 - iii) Lonsdale Flooring \$ 1,598.00 To repair concrete at all fire doors before the installation of the carpet.

BUSINESS ARISING

1. Unit #112: WID has completed exterior deck repairs at unit #112. A five year warranty was provided covering labour and materials for water penetration for a two-ply torch on membrane on the deck area. Restoratech will complete the interior repairs to unit #112 beginning November 27, 2006 at a cost of \$7,962.72.
2. RDH Building Enclosure Assessment Proposal: RDH Building Engineering has submitted a proposal and quote to proceed with a targeted condition assessment of the parkade deck, planters and finished surfaces before proceeding with Phase II of the sill replacements in units #105 - #110. Based on the age of the building and reported problems, RDH has indicated that the at-upgrade water-proofing and site drainage could be a cause with water ingress issues.

The scope of work proposed would include:

- (a) An occupant questionnaire to each ground floor unit owner/occupant to determine the extent, nature and location of any moisture and settlement related problems.
- (b) Review of the available documentation pertaining to the original design and construction of the building enclosure.

- (c) Review of documentation related to moisture and building settlement issues, and information related to previous repair work undertaken.
- (d) A visual examination of the underground parkade including walls, roof slabs, surrounding landscaping and ground/wall intersections, as well as the exterior of the building. RDH will sample ground floor units to assess the effects of moisture ingress in occupied suites.
- (e) Eight excavation openings expected to be performed around the exterior of the building at grade level to assess conditions of suspected construction details not visible from the interior or exterior.
- (f) Revise and submit a draft report with targeted condition assessments and meet with the strata council to present the report, discuss comments and questions.

The council has directed the agent to contact RDH Building Engineering to proceed with the assessment of the building enclosure at a proposed budget of \$4,000 plus GST and \$1,000 for the contractor's testing work. The assessment will indicate if the exterior membrane requires replacement before the Phase II Sill Replacement Project begins.

3. Interior Painting: See Guest Business #1 for more details.
4. Vinyl Deck/Cambridge: The agent wrote a letter to Cambridge requesting a \$4,500 subsidy for the seven vinyl decks that required membrane replacement. As Cambridge installed the vinyl deck membranes several years ago and is no longer available for deck replacements, Cambridge recommended Hallmark to proceed with the work and as the deficiencies were apparent within six months of installation they would subsidize the cost of the repairs.
5. Recreation Room Renovations: Discussion of the recommendations to upgrade the common area office as a recreation area for all owners was deferred until the next council meeting.
6. Carpeting: Lonsdale Carpeting has completed the installation of the carpeting in the hallways and stairwell. The agent submitted a list of minor deficiencies for Lonsdale Carpeting to address.
7. Gutters: The agent was directed to schedule the fall cleaning of the gutters.
8. Landscaping Contract: The 2006/2007 seasonal landscaping agreement for 1500 Pendrell was distributed to the council for their review and approval. The cost of this service has increased \$70 per month for a total annual fee including GST of \$13,610.40. The council approved the landscaping maintenance proposal for 2006/2007.
9. Drain Cleaning: A quotation in the amount of \$4,600 was submitted by Koala-T Mechanical to complete the annual cleaning of the interior drain pipes. Discussion of the quote was deferred until the next council meeting.

CORRESPONDENCE

Owners are invited to write council via the management company regarding any strata matters. Owners are advised that, pursuant to the Strata Property Act, correspondence which is addressed to the strata corporation must be made available to any other owner interested in such correspondence, and to certain other persons in specified circumstances. What this means is that any correspondence which is sent to the strata council in confidence might not be protected or privileged, and is subject to any other overriding and applicable law.

1. **Unit #403:** A letter was received from the owner of #403 requesting council's approval to renovate their bathroom. The owner will require a water shut-down and will provide proper notice to the owners. The council approved the request.
2. **Unit #111:** The following letters were received from the owner of unit #111:
 - (a) The owner of unit #111 submitted a copy of the letter which he had sent to the City of Vancouver with concerns that the structural deficiencies in Phase I of the Sill Replacement Project were not properly addressed by the strata corporation or VCS and that the issue of the buried sprinkler head and electrical junction box were not addressed.

The council submitted a letter to the owner of #211 indicating the sill plate Phase I had been completed with Martin Warbell, the engineer of the project, certifying the completion. Copies of the City of Vancouver electrical permit and inspection reports were provided to the owner. The council recommended that the owner submit a letter of clarification to the City of Vancouver regarding the earlier letter and that in the future, prior to communicating with the City of Vancouver or any other authority with information that has not been properly researched, the owner should contact VCS or the strata council.
 - (b) Council reviewed another letter from the owner requesting council's approval to renew the lease agreement which he has in place for his strata lot. The owner was approved to rent his unit and the agent was directed to inform the owner in writing referencing Strata Bylaws 38.5 and 38.7:
 - 38.5 *An owner receiving permission to lease a strata lot must exercise the permission to lease within 90 days from the date that the council granted same, otherwise the permission expires. During the 90 days immediately following the grant of permission, the strata lot shall be deemed leased for the purposes of the limit stated in bylaw 38.1.*
 - 38.7 *Within two weeks of renting a strata lot, the landlord must give the Strata Corporation a copy of the Form K - Notice of Tenant's Responsibilities signed by the tenant, in accordance with section 146 of the Act.*
3. **#203 – Rental:** The council has approved the owners of unit #203 to rent their unit for a short term rental in 2007. The agent will advise the owner, in writing of council's approval and ensure the owner submits a Form K.

4. #223 – Rental: The council has approved a rental request by the owners of unit #223. The agent was directed to inform the owner in writing of council's approval and to ensure that the owner abides by the rental bylaws.
5. #404 – Skylight Windows: A letter was received from the owner of unit #404 requesting that their skylight window be replaced as it has a large crack. The owner has requested council's approval to upgrade the skylight glazing with a low solar gain glazing. The owner will be responsible for the cost difference between the upgrade and original window. The owner has also requested approval to install the low gain solar glazing in the 2nd pane of glass in the skylight at the owner's expense. The agent was directed to convey council's approval to the owner in writing.
6. Handycycle Locker: A letter was received from an owner requesting council's approval to install a bike locker for her handycycle in an area of the parkade which is unusable. The owner is unable to store the handycycle in the parking stall or common bike rack due to the size and inaccessibility. The owner has indicated that the proposed area in the parkade would be accessible and out of the way from owners. The council reviewed the proposal and photos of the recommended area and has approved the owner's request to install a secured storage area for an MIP device in an area that is unusable.

NEW BUSINESS

1. Parkade Storage: It has been noted that a resident has a propane tank stored in his parking stall area which is in contravention of the strata corporation and City fire code bylaws, and the insurance policy. The City of Vancouver fire code require that NO propane tanks, paint cans, or any flammable items be stored in the parking stalls
2. Hallways: It is noted that owners are leaving items in the hallway areas which could create a security and safety concern. The strata corporation bylaw 34.4 indicates:

34.4 Common property is not to be used by any owner, resident or tenant for storage purposes.

There being no further business, the meeting was adjourned at 8:30 p.m. The next meeting will be held on Wednesday, December 20, 2006 at 6:30 p.m.

Bunny Porteous
Vancouver Condominium Services Ltd.
#400 - 1281 West Georgia Street
Vancouver, B.C.
V6E 3J7
Telephone: 604-684-6291 (24 Hour Emergency Services)
Toll free: 1-877-684-6291/ Fax: 604-684-1539

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