The Wynford Group

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PROPERTY MANAGEMENT SERVICES

MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS, STRATA PLAN LMS 4071, THE EUROPA, HELD ON THURSDAY, MARCH 27th, 2008, AT 7:00 P.M., IN THE LOBBY, 63 KEEFER PLACE, VANCOUVER, B.C.

In Attendance:	Fifty-five Strata Lots represented in person. Twelve Strata Lots represented by Proxy. The Owners of two Strata Lots joined the meeting after it has been called to order. Sixty-nine in total.	
Property Manager:	Bettina Rodenkirchen	The Wynford Group
Concierge / Translator	Dominic Wong	

1. CERTIFICATION OF PROXIES

The Property Manager advised that the proxies were certified to be correct, a quorum was established, and the meeting was duly constituted to proceed.

2. CALL TO ORDER

The Council President, Fern Jeffries, called the meeting to order at 7:10 p.m.

3. ELECTION OF CHAIRPERSON

This was not necessary as the Council President was in attendance and had taken the Chair.

4. FILING PROOF OF NOTICE OF MEETING

The Property Manager confirmed that the Notice of the Annual General Meeting was mailed to all Owners of record on or before March 7th, 2008, in accordance with the provisions of the *Strata Property Act*.

5. APPROVAL OF THE AGENDA

It was **MOVED** and **SECONDED** (Dennison #708 / Mahedi #2702) to approve the Agenda. **CARRIED UNANIMOUSLY**.

6. APPROVAL OF PREVIOUS GENERAL MEETING MINUTES

It was **MOVED** and **SECONDED** (Richards TH7 / Head TH19) to approve the Minutes of the Special General Meeting held on August 23rd, 2007. **CARRIED UNANIMOUSLY**.

7. PRESIDENT'S REPORT AND STRATEGIC PLAN

The President's Report and Strategic Plan, which was mailed out with the Notice of Meeting is attached to and forms parts of these Minutes. After a question period, it was **MOVED** and **SECONDED** (Richards TH7 / Tulev #2709) to accept the President's Report. **CARRIED UNANIMOUSLY**.

8. REPORT ON INSURANCE

The Strata Corporation's insurance cover note was attached to the Agenda package for information purposes.

9. APPROVAL OF 3/4 VOTE RESOLUTION #1

It was **MOVED** and **SECONDED** (Dennison #708 / Wirtz TH10) to approve 3/4 Vote Resolution #1.

WHEREAS it is anticipated that the Strata Corporation will end the fiscal year ending February 29th, 2008, with a deficit of approximately $50,000;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to cover this anticipated deficit by way of a Special Levy of the Owners based on Unit Entitlement in the amount of **$50,000**, and further, in the event the deficit is smaller than $50,000, the Owners agree that the unused balance be transferred to the Contingency Reserve Fund of Strata Plan LMS 4071.

(a) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. An Owner may pay the amount due on ***May 1st, 2008***. The cheque must be for the amount shown opposite the Strata Lot on Schedule "A" attached hereto.

(b) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to Section 115 of the *Strata Property Act*.

(c) Late payment penalties, in accordance with the Bylaws will be assessed against the Strata Lot(s) when the Special Levy is not paid on or before ***May 1st, 2008***.

It was pointed out that, should this Resolution be voted down, the anticipated deficit of approximately $50,000 would then have to be transferred into the Operating Budget thus increasing the Strata Fees accordingly.
The deficit is a result of some cash flow issues; particularly, significantly increased cost in steam heat and for mechanical repairs.

The question was then called and the motion was **CARRIED. 66 in favour, 3 opposed.**

10. APPROVAL OF AUDIT AND APPROVAL OF THE 2008 / 2009 OPERATING BUDGET

The Council Treasurer, Mr. Tim Richards, then led the Owners through the proposed Operating Budget.

Two Budgets were presented to the Owners.

- Proposed Budget A would reduce hours for the Concierge services from the present 24 hours 7 days a week coverage to coverage Mondays through Saturdays from 7:00 a.m. to 2:00 a.m. and on Sundays from 9:00 a.m. to 2:00 a.m.
- Proposed Budget B would be coverage 24 hours per day, 7 days per week.

Discussion then ensued and Owners spoke both for and against a 24/7 concierge coverage. It was then **MOVED** and **SECONDED** (Pavan TH9 / Langdon #2105) to approve the 2008 / 2009 Operating Budget Option A in the amount of $787,795.00. **CARRIED. 55 in favour, 14 opposed.**

11. APPROVAL OF 3/4 VOTE RESOLUTIONS #2 – #6

3/4 VOTE RESOLUTION #2

It was **MOVED** and **SECONDED** (Dennison #708 / Travers #807) to approve 3/4 Vote Resolution #2.

WHEREAS Section 171 of the *Strata Property Act* states the Strata Corporation must pass a 3/4 Vote Resolution before it sues an Owner;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize the Strata Council to sue any Owner for non-payment of Strata Fees including an application to the Supreme Court for an Order for Sale any time during the period immediately following the Annual General Meeting of March 27th, 2008, or any adjournment thereof, until the next Annual General Meeting without referring the matter to the Owners for a 3/4 Vote Resolution.

The question was called and the motion was **CARRIED. 67 in favour, 2 opposed.**

3/4 VOTE RESOLUTION #3

It was **MOVED** and **SECONDED** (Dennison #708 / Head TH19) to approve 3/4 Vote Resolution #3.

WHEREAS the Owner of Unit #209, Mrs. Jenny Yung-Yung Cheng, has caused significant damage to common property in the amount of $31,465.21; and

WHEREAS the Owner of Unit #209, Mrs. Jenny Yung-Yung Cheng, has refused to compensate the Strata Corporation in the above amount that was advanced to repair the damage; and

WHEREAS all attempts in resolving this dispute informally have failed; and

WHEREAS the *Strata Property Act* requires a 3/4 Vote Resolution of the Owners to file a suit with the Supreme Court to reclaim these monies; and

WHEREAS the *Strata Property Act* requires Owners to pay for the costs of this suit;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize the Strata Corporation to file a suit with the Supreme Court against Mrs. Jenny Yung-Yung Cheng, to reclaim monies and reasonable expenses; and

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata plan LMS 4071, The Europa, to approve a Special Levy in the amount of **$8,000**, to finance the costs of this action in the Supreme Court of British Columbia.

(a) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. An Owner may pay the amount due on ***May 1st, 2008***. The cheque must be for the amount shown opposite the Strata Lot on Schedule "B" attached hereto.

(b) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to Section 115 of the *Strata Property Act*.

(c) Late payment penalties, in accordance with the Bylaws will be assessed against the Strata Lot(s) when the Special Levy is not paid on or before ***May 1st, 2008***.

It was pointed out that the Strata Corporation is subject to a $50,000.00 insurance deductible for water damage. Discussion then ensued. One Owner asked whether Council had tried to engage a lawyer who would undertake take this work on a contingency basis. The Strata Council had explored this avenue, but was unable to find a lawyer who would take the case on that basis.

Another Owner asked whether this case would be successful. No one can tell this, but there is precedence.

Another Owner wanted to ask how long it would take to bring this suit to conclusion. This is unknown.

Another Owner asked whether this matter could not be taken to Small Claims Court. No, as the Small Claims Court has a maximum of $25,000.

The question was then called and the motion was **CARRIED. 61 in favour, 2 opposed.**

3/4 VOTE RESOLUTION #4

It was **MOVED** and **SECONDED** (Dennison #708 / Tan #2306) to approve 3/4 Vote Resolution #4.

WHEREAS a Tenant of Owner, Mr. Frank Buck, has caused significant damage to common property and to the private property of other Owners in the amount of $53,366.48; and

WHEREAS the Owner, Mr. Frank Buck, has refused to compensate the Strata Corporation in the above amount that was advanced to repair the damage; and

WHEREAS all attempts in resolving this dispute informally have failed; and

WHEREAS the *Strata Property Act* requires a 3/4 Vote Resolution of the Owners to file a suit with the Supreme Court to reclaim these monies; and

WHEREAS the *Strata Property Act* requires Owners to pay for the costs of this suit;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize the Strata Corporation to file a suit with the Supreme Court against Mr. Frank Buck, to reclaim monies and reasonable expenses; and

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to approve a Special Levy in the amount of **$12,000**, to finance the costs of this action in the Supreme Court of British Columbia; and

(a) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. An Owner may pay the amount due on ***May 1st, 2008***. The cheque must be for the amount shown opposite the Strata Lot on Schedule "C" attached hereto.

(b) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to Section 115 of the *Strata Property Act*.

(c) Late payment penalties, in accordance with the Bylaws will be assessed against the Strata Lot(s) when the Special Levy is not paid on or before ***May 1st, 2008***.

The lawyer for Frank Buck asked to speak on this motion, but was ruled out of order. This ruling is based on the Strata Property Act which provides that only owners who are entitled to vote on a matter are entitled to speak. The Strata Property Act provides that an owner who is being sued is not required to contribute to the cost of the lawsuit. Therefore as Mr. Buck was not eligible to vote on this resolution, he or his counsel were not entitled to speak.
The question was called and the motion was **CARRIED. 63 in favour.**

At this point, the Owner of three Strata Lots left the meeting.

3/4 VOTE RESOLUTION #5

It was **MOVED** and **SECONDED** (Tulev #2709 / Jones #705) to approve 3/4 Vote Resolution #5.**WHEREAS** the Strata Corporation's Mechanical Contractor has advised that there are problems in the heating systems for the tower and the townhomes and the air conditioning for the tower; and

WHEREAS the Mechanical Contractor, in order to alleviate these problems, is recommending the installation of Spiro Vents (air and dirt separators), as well as a bypass valve for the townhomes heating system;

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to authorize an expenditure of $55,000 to install the recommended Spiro Vents and the bypass valve, by way of a Special Levy of the Owners.

(a) Each Strata Lot's share of the Special Levy is due and payable immediately on the date of passage of this Resolution. An Owner may pay the amount due on ***May 1st, 2008***. The cheque must be for the amount shown opposite the Strata Lot on Schedule "D" attached hereto.

(b) In the event that the amount collected for the Special Levy exceeds the amount required or, for any other reason, is not fully used for the purposes set out in this Resolution, then, in accordance with Section 108(5) of the *Strata Property Act, S.B.C. 1998, c. 43*, the Strata Corporation must return the money, in proportion to the Strata Lot's contribution, to the Owner of record at the date of such return of unexpended funds.

(c) In the event that a Strata Lot is sold or there are any changes to title, prior to the Special Levy being paid, the Special Levy must be paid in full before a "Form F – Certificate of Full Payment" can be used pursuant to Section 115 of the *Strata Property Act*.

(d) Late payment penalties, in accordance with the Bylaws will be assessed against the Strata Lot(s) when the Special Levy is not paid on or before ***May 1st, 2008***.

It was pointed out that there have been ongoing repairs to the mechanical system. The pumps always have to be taken apart and to be repaired. This is mainly as a result of particles and air in the heating venting and air-conditioning system. It appears that the system leaves much to be desired; however, there is no code for the system. Honeywell, the Strata Corporation's mechanical contractor, must meet industry standards.

An Owner was advised that the individual thermostats in the suites is an Owner responsibility.

The question was then called and the motion was **CARRIED. 65 in favour, 1 opposed.**

3/4 VOTE RESOLUTION #6

It was **MOVED** and **SECONDED** (Dennison #708 / Hill #1002) to approve 3/4 Vote Resolution #6.

WHEREAS the Strata Corporation wishes to amend Bylaw 3.12 by adding Bylaw 3.12(p);

BE IT THEREFORE RESOLVED as a 3/4 Vote Resolution of the Owners, Strata Plan LMS 4071, The Europa, to add Bylaw 3.12(p) to read as follows:

3.12 No Owner, Tenant, Occupant or Invitee shall:

(p) install any window coverings visible from the exterior unless they are appropriate. Tinfoil, sheets, flags, cardboard or shelving, for example, are not acceptable substitutes.

An Owner stated that to allow both curtains and blinds looks messy. It was then **MOVED** and **SECONDED** (Regier TH11 / Dennison #708) to amend 3/4 Vote Resolution #6 to read:

3.12 No Owner, Tenant, Occupant or Invitee shall:

(p) install any window coverings visible from the exterior that consist of tinfoil, sheets, flags, cardboard or shelving.

The question was called on the amendment and it became apparent that a quorum had been lost as only 57 ballots were counted. This matter will be brought forward to the Owners again at the next General Meeting.

12. ELECTION OF COUNCIL

The following Owners allowed for their names to stand and were elected by acclamation:

Fern Jeffries	TH1
Keith Anderson	#1202
Tim Richards	TH7
John Tulev	#2709
Peter Regier	TH11
Blaine Bray	#1108
Marcello Pavan	TH9

13 MEETING TERMINATION

There being no further business to conduct, the meeting was terminated at 9:05 p.m.

Following the General Meeting, the newly-elected Council conducted a brief meeting and the Council positions are as follows:

Fern Jeffries	President
John Tulev	Vice-President
Tim Richards	Treasurer
Peter Regier	Privacy Officer
Marcello Pavan	Secretary, Webmaster

The next scheduled Council meeting will Thursday, April 24th, 2008.

NOTE: PLEASE MAKE YOUR CHEQUES PAYABLE TO "STRATA PLAN LMS 4071" AND ENSURE THAT YOUR UNIT NUMBER IS CLEARLY MARKED ON THE FRONT OF EACH OF YOUR CHEQUES. ALL SPECIAL LEVIES MAY BE PAID WITH ONE CHEQUE.

Do you have a question regarding payment of your account?
If so, please call 604-261-0285 and ask for Accounts Receivable.

ATTENTION

Please keep these Minutes on file as a permanent legal record of your Strata Corporation's business. Replacement of either Minutes or Bylaws will be at the Owner's expense and not the expense of the Strata Corporation.

THE WYNFORD GROUP OFFICE HOURS ARE MONDAY TO FRIDAY, 9:00 A.M. TO 5:00 P.M. FOR AFTER-HOUR EMERGENCIES ONLY, PLEASE CALL 604-261-0285, THEN PRESS "1" TO BE CONNECTED TO THE ANSWERING SERVICE.

APPROVED BY COUNCIL:_____ DATE:_____

(04/03/08) (08-AGM-M.4071)

Attachment: President's Report and Strategic Plan