M I N U T E S
OF THE ANNUAL GENERAL MEETING
THE OWNERS, STRATA PLAN BCS 1399
THE BENTLEY

Held on Tuesday, December 11, 2007
Within the Bentley Lounge
1001 Homer Street, Vancouver, B.C.

There being 39 owners in attendance in person and by proxy on December 5, 2007, held at the Chateau Granville, the meeting was re scheduled for December 11th, 2007. Discussion took place at the December 5th meeting for approximately two hours, with the notes recorded under "General Discussion" in these minutes. Each Strata Council member introduced themselves and the Property Manager extended her thanks to each for the good working relationship they had through the year and for the amount of time and care that each member had taken on behalf of the other owners. It had been a pleasure to work with each and as June and Connie were not re-running, both would be very much missed.

The meeting held on December 11th, 2007 was called to order at 7:00 pm. by Fern Barker.

Crosby Property Management Ltd. was represented by Fern Barker, Senior Property Manager.

CALLING THE ROLL AND CERTIFICATION OF PROXIES

The attendance register confirmed at the time of commencement of the meeting on December 11th there were 23 eligible voters in attendance and 23 represented by proxy for a total of 46. The quorum requirements had been achieved, and the meeting proceeded.

PROOF OF NOTICE & RECEIPT OF FINANCIAL STATEMENTS

It was moved/seconded that the notice dated November 15, 2007 complied with the notice requirements and that the financial statements had been received. CARRIED.

APPROVAL OF GENERAL MEETING MINUTES

It was moved/seconded to approve the Minutes of the October 20, 2006 General Meeting as circulated. CARRIED.

REPORT ON INSURANCE COVERAGE

It was moved/seconded that the report on insurance coverage had been received. CARRIED.

APPROVAL OF PROPOSED OPERATING BUDGET

The proposed budget was reviewed at both the meeting held on December 5th and December 11th, with the Property Manager noting some of the special projects being planned for the New Year. These included items such as the exterior in ground lighting and possibly, a new treadmill. She noted that the plan was to do the big project items, such as hydro vault cleaning, dryer vent cleaning and building envelope reviews in offsetting years to keep the strata fees fairly consistent. Questions raised were with regard to the exercise equipment and what response had been received from Polygon with regard to them replacing or assisting in replacement.

It was moved/seconded to approve the proposed operating budget(s) as circulated for the fiscal year November 1, 2007 to Oct 31, 2008.

The Chairperson called for the vote, the result being 46 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED. CARRIED.

PLEASE SEND (12) TWELVE POST-DATED CHEQUES PAYABLE TO STRATA PLAN BCS1399, ALONG WITH THE RETRO ACTIVE DIFFERENCE FROM NOVEMBER 1, 2007.

IF THERE IS ANY CHANGE IN STRATA FEES, ANY OWNER ON P.A.P. WILL AUTOMATICALLY HAVE THEIR WITHDRAWAL FOR STRATA FEES ADJUSTED. PLEASE NOTE; THIS WILL BE RETROACTIVE BASED ON THE FISCAL YEAR END.

OWNERS THAT PAY THEIR STRATA FEES THROUGH AUTOMATIC E-BANKING MUST RE-SUBMIT THE NEW STRATA FEE AMOUNT FOR FUTURE MONTHS AS WELL AS ANY RETROACTIVE PAYMENT IF NECESSARY.

If you have any questions regarding your account, please contact Saba Akbari in our accounting department at 604-689-6988.

CONSIDERATION OF RESOLUTION "A" 3/4 VOTE
LEGAL ACTION AGAINST STRATA LOTS 028,041,077

Preamble: As at November 15, 2007 there are unpaid strata fees, moving charges and charge backs in the amount of $16,934.80, leaving the Strata Corporation short cash to pay the operating costs. There are 2 owners in arrears for $6,713.79 in outstanding strata fees and interest. SL0028 has been provided assurance the payment will be made in full on December 1, 2007.

Discussion

Discussion ensued with regard to the process for collection of strata fees, fines, moving fees and charge backs. It was noted that one owner had paid in full, one owner had paid the outstanding amount but was in arrears again as a result of not paying the increase in last years strata fees and one owner had made a token payment on the outstanding.

The differences between the $16,934.80 and the $6,713.70 were chargebacks, fines and unpaid moving fees.

It was moved/seconded to approve Resolution "A" as follows and with an amendment that strata lot 0028 be removed from the resolution and that the owner of strata lot 0041 be encouraged to set up preauthorized payments when the account is paid:

THEREFORE BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, The Bentley, in attendance at this meeting in person and proxy that the Strata Council be authorized to engage legal council to commence legal against the registered owner(s) of Strata lot 0028 (if the account is not cleared in full on December 1, 2007) and 0041 to collect monies owed to the Strata Corporation assessed in accordance with the Strata Properties Act and bylaws of the Strata Corporation.

Following the discussion, the Chairperson called for the vote, the result being 46 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED. CARRIED

RESOLUTIONS BCS1399- THE BENTLEY
RECOMMENDED BYLAW CHANGES AND ADDITIONS

Preamble:
The Strata Council has deemed that the bylaws required some amendments and additions. Please note that any changes in numbering resulting in adoption of bylaws or errors in punctuation etc. will be corrected prior to filing at Land Titles.

CONSIDERATION OF RESOLUTION "B" 3/4 VOTE
AMENDMENT ENFORCEMENT OF BYLAWS 23 & 24

Preamble:
Council believes that the fines in the current bylaws are not a sufficient deterrent, and do not reflect the cost of administering contraventions to the rules and bylaws. The proposed fines are the maximum allowable fines under the Strata Property Act.

It was moved/seconded to approve Resolution "B" as follows:

THEREFORE BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, The Bentley, in attendance at this meeting in person and proxy hereby approve the addition/deletions and amendments to Division 4-Enforcement of Bylaws and Rules:

TO
Maximum fine:
23.

Except where specifically stated to be otherwise in these bylaws, the strata corporation may fine an owner or tenant

(a) $200 for each contravention of a bylaw, and
(b) $50 for each contravention of a rule.

Continuing contravention:

24(2). The council must, if it determines in its discretion that a resident is in repeated contravention of any bylaws or rules of the strata corporation, levy fines and the fines so levied shall be immediately added to the strata fees for the strata lot and shall be due and payable together with the strata fees for the strata lot in the next month following such contravention.

Discussion

Following the discussion as to whether the increase in fines should be assessed on a number of incidences basis and were they effective, the Property Manager explained that the process was generally to issue a notice of a violation first, second was a warning letter and third was the fines.

The Chairperson called for the vote, the result being 45 IN FAVOUR, 0 OPPOSED, 1 ABSTAINED. CARRIED

CONSIDERATION OF RESOLUTION "C" 3/4 VOTE
REPAIR AND MAINTENANCE BYLAW ADDITION 2(3)(4)(5)

Preamble:
This bylaw will allow council to charge the cost of any repairs or replacements to the responsible strata lot owner(s). This includes charging the strata corporation's insurance deductible to a specific strata lot (s) where applicable. In this case, the cost is borne by the strata lot owner responsible, and does not negatively impact the strata corporation budget.

It was moved/seconded to approve Resolution "C" as follows:

BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, the Bentley, in attendance at this meeting in person and proxy hereby approve the addition/ deletions and amendments to:

2. Repair and Maintenance of Property by Owner

(3) The cost of repairs or maintenance which is as a result of damages or wear and tear, caused or created by the Owner's act, omission, negligence or carelessness or by that of an Owner's Visitors, Residents, employees, agents, or a member of the Owner's family, to the limited common property or common property, shall be repaired by the Strata Corporation and such cost shall be added to and become part of the strata fees of that owner.

(4). An Owner shall indemnify and save harmless the Strata Corporation from the expense of any maintenance, repair or replacement rendered necessary to the Common Property, Limited Common Property and any Strata Lot by the Owner's act, omission, negligence or carelessness or by that of an Owner's Visitors, Residents, employees, agents, or a member of the Owner's family, but only to the extent that such expense is not reimbursed from the proceeds received by operation of any insurance policy. In such circumstances, any insurance deductible paid or payable by the Strata Corporation shall be considered an expense not covered by the proceeds received by the Strata Corporation as insurance coverage and will be charged to the Owner.

(5) The cost the expense of any maintenance, repair or replacement rendered necessary to the Common Property, Limited Common Property and any Strata Lot by the Owner's act, omission, negligence or carelessness or by that of an Owner's Visitors, Residents, employees, agents, or a member of the Owner's family shall be added to and become part of the strata fees of that owner for the month next following the date which the cost was incurred and will become due and immediately.

Discussion

The Property Manager explained the reasoning for the bylaw.

It is highly recommended that owners consider coverages under their home owner's policies to cover for insurance deductibles, charge backs and improvements.
Owners are also reminded that in a strata corporation they are responsible for maintenance and repair of anything within the strata lot walls (whether they can see it or no) and can become responsible for damages to other suites as well.
Any damages caused as a result of an owner responsibility, act or omission whether the owner is aware of the problem or not, is charged back to the strata lot.
Owners should also note that relocation of the owner or the tenant and storage costs are not covered under the strata insurance policy.

Owners are reminded that this includes checking all plumbing connections and replacement of parts if necessary, re-caulking bath tubs, showers and toilets, making sure that the dryer vents are cleaned and booster fans are working to prevent moisture build up in the vents causing damage to ceilings, checking washers, their connections and drainage, etc. The owner is responsible for the actions or lack thereof, of their tenants and should therefore inform the tenant that they must notify the owner of any problems in the suite, in particular, anything connected to water or possible fire.

The Chairperson called for the vote, the result being 41 IN FAVOUR, 4 OPPOSED, 1 ABSTAINED. CARRIED

CONSIDERATION OF RESOLUTION "D" 3/4 VOTE
STRATA FEES BYLAW ADDITION 31(3)(4)

Preamble:
This bylaw is a clarification of when payments, charge backs are due and payable.
It was moved/seconded to approve Resolution "D" as follows:

BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, the Bentley, in attendance at this meeting in person and proxy hereby approve the addition/ deletions and amendments to:

Strata Fees:

31. *(3) A special levy is due and payable on the date or dates as noted in the Resolution authorizing the special levy.*
    (4) A fine, charge back, administration fee and or other such charges as determined by the bylaws and rules shall become due and payable immediately

Following a brief discussion, it was moved/seconded to approve Resolution "D" as follows with an amendment to remove “immediately” and replace with “within 15 days of the mailing of the letter”.

BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, the Bentley, in attendance at this meeting in person and proxy hereby approve the addition/ deletions and amendments to:

Strata Fees:

31. *(3) A special levy is due and payable on the date or dates as noted in the Resolution authorizing the special levy.*
    (4) A fine, charge back, administration fee and or other such charges as determined by the bylaws and rules shall become due and payable within 15 days of the mailing of the letter.

The Chairperson called for the vote, the result being 45 IN FAVOUR, 1 OPPOSED, 0 ABSTAINED. CARRIED

CONSIDERATION OF RESOLUTION "E" 3/4 VOTE
AGM/SGM QUORUM BYLAW ADDITION

Preamble:
This bylaw will allow Special and Annual General Meetings to proceed 30 minutes after their scheduled start time with those in attendance constituting a quorum. This avoids the additional cost and effort of rescheduling the meeting, as required by the Strata Property Act.

It was moved/seconded to approve Resolution "E" as follows:

BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, the Bentley, in attendance at this meeting in person and proxy hereby approve the addition/ deletions and amendments to Division 5 – Annual and Special General Meetings:

Quorum of a meeting:

25(B). *a) If within 1/2 hour from the time appointed for an annual or special general meeting, a quorum is not present the eligible voters, present in person or by proxy, constitute a quorum.*
b) This bylaw is an alternative to section 48(3) of the Act. This bylaw does not apply to a meeting demanded pursuant to section 43 of the Act and failure to obtain a quorum for a meeting demanded pursuant to section 43 terminates, and does not adjourn, that meeting.

Discussion

The Property Manager advised that this bylaw was presented as a reasonable and cost savings resolution, as the Strata Properties Act states that if quorum is not reached, a meeting must be held one week later at the same time and same location.

However, as shown this year, quorum was not reached at the meeting on December 5th, and basically the same people as well as Council members had to attend two meetings within a week.

Not only is this inconvenient and time consuming for the strata lot owners who do attend but as well, costly as notices are mailed to owners of the change of date, there is a cost for the Property Manager to attend another meeting and as well, there is the cost of rental (and availability) of the facilities. She advised that if there was a resolution being presented which might deal with a special levy, legal matters or bylaw amendments to rentals for example, it would be recommended that if quorum was not reached, the Council hold the meeting the following week.

A resident spoke against the bylaw stating that he felt that matters transacted at this kind of a meeting would not be valid and there would be no budget and therefore, owners would not have to pay strata fees and that there could be no retroactive strata fees charged if and when meeting was reached with quorum.

A Council member and several others spoke in favor of the resolution as they felt it was unreasonable to ask the same owners to attend two meetings if other owners could not bother to attend or even complete their proxy forms.

The Property Manager advised that "yes" strata fees were always payable and that retroactive strata fees are certainly charged, as they would be every year, as the annual general meeting is never held prior to the end of the fiscal year. The process would be that if an owner disputed the matter, a special general meeting would be held, likely quorum would not reached and another meeting would be held the following week.

Following the discussion, the Chairperson called for the vote, the result being 40 IN FAVOUR, 6 OPPOSED, 0 ABSTAINED. CARRIED

CONSIDERATION OF RESOLUTION "F" 3/4 VOTE
VOTING BYLAW ADDITION 27(8)(9)

Preamble:
To promote fairness, and to encourage strata lot owners pay balances owing to the strata corporation, it is proposed to prohibit owners who are in arrears from voting at Annual or Special General Meetings.

It was moved/seconded to approve Resolution "F" as follows:

BE IT RESOLVED by a 3/4 vote of the owners of the Strata Corporation BCS1399, The Bentley, in attendance at this meeting in person and proxy hereby approve the addition/deletions and amendments to Voting at AGM/SGM:

Voting

27(8) Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if the strata corporation is entitled to register a lien against that strata lot under section 116(1) of the Act.

(9) Except on matters requiring a unanimous vote, the vote for a strata lot may not be exercised if there are amounts owing to the strata corporation charged against the strata lot in respect of administration fees, bank charges, fines, penalties, interest or the costs, including the legal costs, of remedying a contravention of the bylaws or rules, including legal costs, for which the owner is responsible under section 131 of the Act.

Discussion

A resident felt that they should be able to vote even if they are in arrears for 30/90 days. Another owner expressed the opinion that owners know they are in arrears as they are issued notices and letters and as well, can easily make a call to Crosby Property Management to clear up the account, pay the outstanding on-line or by cash or cheque. The agenda is sent 20 days in advance of a meeting and gives owners ample opportunity to clear up their account.

The Property Manager noted that an AGM or SGM is generally held as well, after the first week of a month as payments may not clear the bank for 5-10 days and any payments on-line take approximately 48 hours to process.

It was moved/seconded to approve Resolution "F" as follows with the following addition:

(10) The Strata Council, may at its discretion permit a vote for a strata lot if an agreement has been made been the strata lot owner and the strata council for payment of the amounts owing to the strata corporation, excepting where a lien has been registered against the strata lot".

The Chairperson called for the vote, the result being 46 IN FAVOUR, 0 OPPOSED, 0 ABSTAINED. CARRIED

RATIFICATION OF RULES

A change to the time on the use of the Bentley Lounge from 12:00 pm to 12:00 am was agreed and a brief discussion on the reason for the 3 month residency ensued. It was noted that the Council had put in place a rule that the deposit for the room was to be paid by the registered owner of the strata lot as a result of the misuse of the room by tenants in the first year and owners not taking responsibility for the damages or clean up.

As some owners have engaged management companies to manage their strata lot, the management company does become responsible for that tenant on behalf of the owner. During the year the problem had arisen where owners were not in the country to provide the deposit but had authorized the tenant and/or the management company to

An owner noted that several people had left items in parking stalls and storage lockers and what was being done about it. The Property Manager advised that the residents are notified that it is in violation of the rules and fines may be assessed. As well, once in a while items would just be removed, temporarily stored and then disposed of. Residents with dirty parking stalls also are advised they are in violation of the rules and if the vehicle is not repaired and the stall not cleaned the vehicle has been towed and the cost to clean billed back to the owner.

It was moved/seconded to ratify the Rules or changes to the Rules as circulated with the correction to 12:00 am for use of the Bentley Lounge. CARRIED.

Owner's are reminded that it is their responsibly to ensure the rules (as well as a copy of the bylaws) are provided to all new tenants, along with completion of the Form K.

GENERAL DISCUSSION

As noted in the opening remarks, discussion on December 5th centred mainly on the problems with the elevators. The number of shut downs was of course considered unacceptable. The developer had stated that they would not become involved; the warranty provider advised that the elevators were not included under the building warranties and the meeting held with Council, Polygon and Richmond Elevator had not yielded many results. Work had been done, such as replacement of many of the parts in the elevators and sound proofing of the elevator room on the roof.

A recent meeting between Richmond Elevator and the Property Manager had been held and a review of the number of call outs, dates of the call outs and work done had taken place. A promise had been made at that time to have the elevators operating correctly within 90 days of that meeting. As well, the cables are to be replaced in the spring and the manufacturer from Quebec was to be in Vancouver to assess the elevators, work done, etc in an attempt to determine what the problem/s are.

The Resident Manager no longer resets the elevators but instead Richmond Elevator attends each shut down to source the problem at the time. As well, each call out is also dispatched to the District Manager. The Resident Manager has been going up to the top floor and opening stairwell doors during each shut down to permit owner's access to their suites.

The Strata Council had renewed the contract with Richmond Elevators for another 1 year period to ensure that Richmond Elevator covered the costs of the repairs/replacements and call outs for the elevators. Once they are operating correctly (or within an acceptable standard) the Strata Council would then consider sending out for quotes from other companies.

The Strata Council advised that as per the Council minutes, an initial meeting with a lawyer had taken place, to pursue legal action against the parties involved, which would be Richmond Elevator, Polygon, ITC and possibly others. A further meeting will take place in the near future and the results of this meeting will be brought back to the owners for a vote.

An owner asked why not change companies, have them fix the elevators properly and just pay the cost, no matter what it was. Another owner felt that the Strata Council was not taking the matter seriously enough and another advised Council that they must take more aggressive action against everyone and get Richmond Elevator to replace the elevators. Other owners felt that is was not prudent to be changing companies as the cost could be significant for the replacement of parts and the number of call outs and they felt this should not be borne by the owners. The Property Manager defended the Strata Council members who had worked so hard on the issue, addressed a plan of action at every Council meeting, opened doors for residents when Frank was not around, had met with the companies involved and had taken time out of their work day to meet with the lawyer. A Council Member suggested that owners should become more involved as well and they could write to Polygon and Richmond Elevator. An owner did not feel they should have to do this and the problem should just be dealt with.

As there was no decision which could be made and no presentation of a resolution addressing a course of action, legal or otherwise, the owners were thanked for attending and advised that the AGM would be held on December 11th at the Bentley.

ELECTION OF COUNCIL

The Property Manager advised that at this point of the meeting that all Council members resigned. An owner asked why all of Council had resigned. It was noted that every year at the Annual General Meeting as per the bylaws, a new Strata Council is elected. The Property Manager noted as well that both June Wyse and Connie Coy had advised that as they had been on Council for two tough years, they needed a break and would not be taking a position on Council for the coming year.

The following persons were nominated and agreed, or volunteered to stand for Council:

Colin McBride	#1205	
Todd Ingle	#1103	
Nolan Peterson	#803	
Jennifer Bergman	#2403	
Seng Jin ooI	#1605	
Ryan Hills	#2203	
Garrett Munroe	#807	(The Property Manager advised the registered owner must assign a proxy with all voting rights to Garrett for him to hold a position on Council- The owner of the strata lot confirmed that he would forward said proxy)

The above owners were declared elected by acclamation.

Those persons elected to the Council at this meeting will hold office until the next Annual General Meeting.

The owners who had attended were thanked again for their attendance.

There being no further business, the meeting was adjourned at 8:50 pm

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Fern Barker
Senior Property Manager
CROSBY PROPERTY MANAGEMENT LTD.
General Office #(604) 683-8900
www.crosbypm.com

Please keep a copy of these minutes for future reference. They will be required at the time of sale and a charge, as per the Strata Property Act, will be assessed for replacement copies.