

## **MINUTES OF SPECIAL GENERAL MEETING ONE UNIVERSITY CRESCENT – BCS 1345**

**Held: Thursday, October 21<sup>st</sup>, 2010 @ 7:00 p.m.**

**Location: 9390 University Crescent, Burnaby, B.C.**

### **INTRODUCTION**

**Bruce Clayman**, the Council President, welcomed all of the Owners to the meeting and thanked them for their attendance. He advised the Owners present he would be chairing the meeting with the assistance of **Chris McInnes** from AWM-Alliance Real Estate Group Ltd. The Chair introduced the members of the Strata Council and Chris McInnes.

AWM-Alliance Real Estate Group Ltd. is minuted as "AWM".

### **CALL TO ORDER**

The Special General Meeting of Strata Corporation BCS 1345 was called to order @ 7:15 p.m.

### **ATTENDANCE**

17 Owners were represented, with 11 in person and 6 by proxy. The Strata Property Act states that, in order to conduct business at a General Meeting, at least thirty-three percent (33%) or  $\frac{1}{3}$  of the persons entitled to vote must be present in person or by proxy. OUC Bylaws state that if at the time appointed for the General Meeting a quorum is not present, the meeting shall continue  $\frac{1}{2}$  hour later with the persons who are entitled to vote and those present shall constitute a quorum. The Owners present approved proceeding with the meeting under the latter condition.

It was **MOVED** (#400-9370), **SECONDED** (#700-9330) and **CARRIED** to accept the certification of quorum.

### **CERTIFICATION OF PROXIES**

The Chairperson reviewed with the Owners present the requirements for the certification of the proxies.

It was **MOVED** (#600-9320), **SECONDED** (#301-9320) and **CARRIED** to accept the proxies received as validated and certified.

### **PROOF OF NOTICE**

The Chair reviewed for the Owners the proof of notice requirements as per the Strata Property Act. There had been no returns of the meeting notice, which was previously sent to Owners by mail.

It was **MOVED** (#402-9330), **SECONDED** (#600-9320) and **CARRIED** to accept the proof of notice as circulated on October 1<sup>st</sup>, 2010.

**APPROVAL OF THE AGENDA**

The agenda was reviewed by the Owners present.

It was **MOVED** (#900-9300), **SECONDED** (#600-9320) and **CARRIED** to approve agenda as circulated.

**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

The Chair noted that the minutes from the previous General Meeting held on April 8<sup>th</sup>, 2010 were to be considered next. There were no corrections proposed and the following motion was made.

It was **MOVED** (#400-9370), **SECONDED** (#600-9320) and **CARRIED** to accept the General Meeting minutes from the meeting dated April 8<sup>th</sup>, 2010 as circulated.

**¾ VOTE RESOLUTION – DISCHARGE/ALLOCATION OF VISITOR PARKING EASEMENT**

Be it resolved by the Owners of Strata Plan BCS 1345 to approve that the Strata Corporation discharge the existing parking agreement as per the attached resolution and accept the new easement regarding the visitor parking spaces.

It was **MOVED** (#402-9330), **SECONDED** (#700-9310) to approve the resolution as noted by the attached document.

The Council reviewed for the Owners the change in the location of the overflow visitor parking at OUC. It was noted that the resolution being proposed tonight was to discharge the original easement for the Strata Corporation, and create a new easement at the Lot B (Extension) site. The advantages of the new location, is this will be the location for OUC in perpetuity and is readily accessible to the Residents of the building.

After a further question and answer period, a vote was called and the motion was **CARRIED** (unanimous)

**CONCERNS/COMPLAINTS:**

Owners are requested to put their *non-emergency concerns* in writing to AWM-Alliance Real Estate Group Ltd. This will ensure that proper documentation is maintained and that concerns will be addressed at the next Council meeting. Please email, mail or fax correspondence to AWM-Alliance Real Estate Group Ltd. Please note that all letters must be identified by suite address and must be signed and dated; otherwise, Council will not consider them. All correspondence is confidential.

**ADJOURNMENT/NEXT MEETING**

There being no further business, the meeting was adjourned @ 7:17 p.m. The next meeting is the Council meeting.

The minutes were taken and respectfully submitted by Chris McInnes of AWM-Alliance Real Estate Group Ltd., (604) 685-3227.

Owners are reminded to keep these Minutes for their future reference and / or in the event that they wish to sell their suite. They will be available on the AWM website <http://awmalliance.com/secure/login.php> with user ID BCS 1345 and password OUC. Please note that any replacement paper copies must be purchased from AWM-Alliance Real Estate Group Ltd.

CONSENT TO CANCELLATION OF EASEMENT BX453745

TO: SFU Community Trust ("UCC") and Simon Fraser University ("SFU")  
FROM: The Owners, Strata Plan BCS1345 (the "Strata Corporation")  
RE: Discharge of Easement BX453745 (the "Easement")  
DATE: September \_\_\_\_, 2010

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WHEREAS:

- A. The members of the Strata Corporation (the "Owners") are the holders of leasehold interests in strata lots located in Burnaby, British Columbia and legally described as Strata Lots 1 to 113, District Lots 102 and 211, Group 1, New Westminster District, Leasehold Strata Plan BCS1345 (collectively the "Dominant Tenement");
- B. The Easement is registered against title to certain lands and premises located in Burnaby, British Columbia and legally described as PID: 028-300-131, Lot 1, District Lots 31, 101, 102, 141, 147, 209, 210 and 211, Group 1, NWD, Plan BCP45523; PID: 028-300-246, Lot 27, District Lot 211, NWD, Plan BCP45523; PID: 028-300-254, Lot 28, District Lot 211, NWD, Plan BCP45523; and PID: 028-300-378, Lot 43, District Lots 101, 102, 147 and 211, Group 1, NWD, Plan BCP45523 (collectively, the "Servient Tenement"), and burdens that part of the Servient Tenement shown on Plan BCP18095 (the "Easement Area");
- C. The purpose of the Easement is to provide parking for visitors to the Dominant Tenement for the benefit of the Owners;
- D. The Servient Tenement is owned by SFU and SFU has granted UCC an interest in lands forming part of the Easement Area which UCC intends to develop as the next phase of the mixed use community known as UniverCity;
- E. In order to allow the above-described development to proceed, alternate parking for visitors to the Dominant Tenement for the benefit of the Owners has been arranged and secured by the registration of Easement BB1173871 against title to certain other lands and premises located in Burnaby, British Columbia and legally described as PID: 028-300-271, Lot 25, District Lot 211, New Westminster District, Plan BCP45523, pursuant to which a parkade for the benefit of, amongst others, the Owners is to be constructed;
- F. In light of the above, the Owners have voted on and passed resolutions at a meeting of the Owners held September \_\_\_\_, 2010, agreeing to the cancellation of the Easement and its discharge from title to the Servient Tenement, and agreeing to consent to an application to be brought by SFU to the Supreme Court of British Columbia for an order pursuant to Section 35 of the *Property Law Act* cancelling the Easement.

NOW THEREFORE, in consideration of the sum of \$1.00 now paid by UCC and SFU to the Strata Corporation and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Strata Corporation), the Strata Corporation does hereby wholly consent to the cancellation of the Easement and its discharge from title to the Servient Tenement and does hereby transfer, release and quit claim unto UCC and SFU, their successors and assigns forever, all of the Strata Corporation's and the Owners' right, title and interest in and to the Easement.

**THE OWNERS, STRATA PLAN BCS1345**

by its authorized signatory(ies): \_\_\_\_\_

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

**RESOLUTIONS OF THE OWNERS, STRATA PLAN BCS1345**  
**(the "Strata Corporation")**

WHEREAS:

- A. The Strata Corporation is a strata corporation established by the deposit of Leasehold Strata Plan BCS1345 (the "Strata Plan") in the Lower Mainland Land Title Office;
- B. The members of the Strata Corporation (the "Owners") are the holders of leasehold interests in strata lots located in Burnaby, British Columbia and legally described as Strata Lots 1 to 113, District Lots 102 and 211, Group 1, New Westminster District, Leasehold Strata Plan BCS1345 (collectively the "Dominant Tenement");
- C. Certain lands and premises located in Burnaby, British Columbia and legally described as PID: 028-300-131, Lot 1, District Lots 31, 101, 102, 141, 147, 209, 210 and 211, Group 1, NWD, Plan BCP45523; PID: 028-300-246, Lot 27, District Lot 211, NWD, Plan BCP45523; PID: 028-300-254, Lot 28, District Lot 211, NWD, Plan BCP45523; and PID: 028-300-378, Lot 43, District Lots 101, 102, 147 and 211, Group 1, NWD, Plan BCP45523 (collectively, the "Servient Tenement") are owned by SFU;
- D. Easement BX453745 (the "Easement"), attached hereto as Schedule A, is registered against title to the Servient Tenement and burdens that part of the Servient Tenement shown on Plan BCP18095 (the "Easement Area");
- E. The purpose of the Easement is to provide parking for visitors to the Dominant Tenement for the benefit of the Owners;
- F. The Servient Tenement is owned by SFU and SFU has granted UCC an interest in lands forming part of the Easement Area which UCC intends to develop as the next phase of the mixed use community known as UniverCity.
- G. In order to allow the above-described development to proceed, alternate parking for visitors to the Dominant Tenement for the benefit of the Owners has been arranged and secured by the registration of Easement BB1173871 against title to certain other lands and premises located in Burnaby, British Columbia and legally described as PID: 028-300-271, Lot 25, District Lot 211, New Westminster District, Plan BCP45523, attached hereto as Schedule B, pursuant to which a parkade for the benefit of the Owners is to be constructed.
- H. Pursuant to section 4 of the Easement, the Easement can be relocated as a result of the redevelopment of the visitor parking area "for SFU or community purposes", and provided that a new parking easement substantially similar to the Easement is granted.
- I. The development of the parking area to be carried out by UCC is for community purposes and Easement BB1173871 is substantially similar to the Easement.
- J. The Easement has been rendered obsolete as a result of the granting of Easement BB1173871 and the alternate parking to be made available thereunder.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Owners agree to the cancellation of the Easement and its discharge from title to the Servient Tenement.
2. The Strata Corporation will transfer, release and quit claim unto UCC and SFU, their successors and assigns forever, all of the Strata Corporation's and the Owners' right, title and interest in and to the Easement.
3. The Owners agree to consent to an application to be brought by SFU to the Supreme Court of British Columbia for an order pursuant to Section 35 of the *Property Law Act* cancelling the Easement.

The foregoing resolutions are hereby passed by a  $\frac{3}{4}$  vote at a duly convened special general meeting of the Strata Corporation held at \_\_\_\_\_, B.C. on October \_\_\_\_\_, 2010.

THE OWNERS, STRATA PLAN BCS1345

By: \_\_\_\_\_  
Strata Council Member

By: \_\_\_\_\_  
Strata Council Member