

# THE ELECTRA

## Strata Corporation LMS 1866 Minutes of Strata Council Meeting April 1, 2008

**Held:** Monday, April 1, 2008 at 5:00 p.m.  
Residential Board Room

**Present:** **Strata Council**  
Evan Sahmet, President  
Howard Burton.

**Facilitech:**  
Bob Adams, General Manager

**Regrets:**  
John Davies, Vice President  
Tony Lum

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1. Evan Sahmet, President, declared a quorum and the meeting was called to order at 4:05 p.m.
2. Prior to approving the agenda, there was a discussion on how to deal with issues due to the fact that the Commercial representatives have refused to attend the last two meetings. While a quorum is present and decisions can legally be made, the lack of Commercial Section input creates concerns and puts the remaining Council members in a tenuous position in that they are obligated to maintain the common property and assets of the Strata Corporation. Howard Burton advised that, irrespective of decisions being made tonight, the Commercial Section has advised in an email from Tony Lum that "you can make decisions but we will not recognize them". Both Mr. Sahmet and Mr. Burton shared the concerns for the Commercial Section's lack of representation, and are of the view that any decisions being made tonight should take into consideration the Commercial Section and should not be detrimental to it due to their lack of representation.
3. **Approval of Minutes** – It was moved, seconded (**Howard Burton / Evan Sahmet**) to approve the minutes of February 11, 2008, all in favour, motion carried.
4. **Operational Matters:**
  - a) **Landscaping Contract** – Bob Adams of Facilitech Property Management reported that the current landscaping contract expired on March 31, 2008 and the landscaper did not wish to renew the contract with The Electra. Accordingly, new quotes are required to retain a new landscaper on the basis that the budget for landscaping work will not be increased for the new year. Evan and Howard asked that the new quotes be obtained and asked Bob to circulate the quotes for review and approval prior to the AGM scheduled for April 15, 2008 given that there may not be a prior scheduled Strata Council meeting. The lack of representation from the Commercial Section at the Strata Council meeting makes it much more difficult for the remaining Strata council members to make decisions on joint common property matters such as this issue. As it now stands, the remaining council members have to make decisions and approve contracts on behalf of all members.

- b) **Loading Bay** – Bob reported that the Commercial Section is no longer complying with the policy for booking the loading bay that had previously been agreed to by both sections. Accordingly, chaos and confusion may result with respect to future bookings and use of loading bay. The previously agreed to policy is that all bookings are coordinated through Danny, the Residential Building Manager. The Commercial section is now booking and using the loading bay without proper consultation with Danny and therefore double booking may result. Bob advised that the Residential Executive maintains that the previously agreed to policy should remain in effect and Richard Williams, Residential Executive President, has issued a memo to the Commercial Section asking it to comply with the booking policy. (A copy of the memo was distributed to the Strata Council members and is attached to these minutes). Bob sought the guidance of Strata Council on this matter. Howard pointed out that the original policy is logical because the loading bay is used for move-ins and move-outs by the Residential Section and it makes sense for Danny to be the one to co-ordinate the bookings for both sections. As well, since the Strata Council has not received any petition or explanation for any changes, the original policy should remain in effect.
- c) **Common Areas** –Concerns were raised on the maintenance of common areas due to the fact that Commercial Section has not adhered to past practices. This coupled with the fact that the Commercial Section representatives refused to attend this meeting, means this issue cannot be resolved.

Whereas it was previously agreed that common areas should be maintained as a sharing of labour, with the separation of the Commercial and Residential Sections, there is no management company to ensure tasks are equally distributed. For example, the cleaning of the loading bay and exterior terrazzo is mainly being done by the residential janitor with the commercial staff only maintaining their own areas. This needs to be discussed and rectified by the new Council. It may be that there are other areas where the Commercial Section feels slights but we are unaware of them. Strata Council commented that there should be one party maintaining all the common areas and it should not rely on two parties. One solution would be to appoint one party to be responsible for joint maintenance as a separate contract and share the expenses.

- i. This is also related to the problem of “Shared Expenses”. As of today, the Commercial Section still owes approximately \$65,000. The Strata Council instructed Bob to notify the Commercial Section to indemnify the Residential Section forthwith. The Strata Council commented that this issue should be a priority for the incoming Councils to resolve and that it may require a legal opinion as well as consideration of interests.
- d) **Procedures** - There were concerns raised regarding how to deal with a difference of opinion on maintenance issues relating to common property. While it may seem minor, a door on common property was left open. The solution put forth by the Commercial management was to change the lock. This was determined by the Residential management to be a waste of money and a memo was sent stating this and advising that the lock would not be changed. The Commercial Section changed the lock anyway. The Building Manager has asked for guidance on how to deal with this.
- e) **Steam Meter Separation** – The Commercial Section decided to create two meters to measure steam being used in the Building. While the Strata Council feels the idea is good and would have agreed in principal with this decision (if asked), in the absence of any prior discussion, it has some concerns as to whether there is equitable distribution of costs. Bob Adams advised that there are some questionable areas that may not be metered properly.
- f) **Security Camera** –The Strata Council expressed concern regarding the use of cameras in common areas. The Strata Council recommends that the Commercial Section adopt a recent policy/guidelines document approved by the Residential Executive. The document cautions the Strata Corporation on the misuse of cameras in view of the BC Privacy Act. The Commercial Section has installed cameras in common areas without prior discussion or prior approval of the Strata Council members who are not aware of the intent and use of same. The Strata Council is advising the Commercial Section to comply with the guidelines. Council Members will not be party to any misuse of these cameras and cautions the

document approved by the Residential Executive. The document cautions the Strata Corporation on the misuse of cameras in view of the BC Privacy Act. The Commercial Section has installed cameras in common areas without prior discussion or prior approval of the Strata Council members who are not aware of the intent and use of same. The Strata Council is advising the Commercial Section to comply with the guidelines. Council Members will not be party to any misuse of these cameras and cautions the Commercial representatives in their absence that any legal challenge will fall solely on their shoulders. The 2008-2009 Strata Council should ensure compliance especially as there is some feeling that these cameras have audio capacity and may conflict with the Privacy Act.

## 5. Annual Review

- a) In the opinion of the remaining Strata Council members, there is a concern that the Strata Council is not being allowed to function as required under the Strata Property Act and decisions that should be made by the Strata Council are being made outside of Council meetings. The new Executives need to recognize the Strata Council as an independent body for joint matters. The need for a strong Strata Council is something that is required to have an impact on the governance of the Strata Corporation. All efforts should be made by the new Strata Council to ensure that the Strata Property Act is followed.
  - b) **Self-Management of the Commercial Section** – The Commercial Section's decision to go self-management was made without consultation at the Strata Council level. While the sections are allowed to set up their own contracts, the Strata Council asked for the legal grounds on which its decision was based, however the Strata Council was never afforded the courtesy of a full reply.
  - c) **Commercial Section's lack of representation on Strata Council** does not allow for consensus on issues and is not showing the building common assets fair representation. Both Howard Burton and Evan Sahmet expressed concern regarding future strata council and how this should be dealt with. As the AGM is to be held on April 15<sup>th</sup> it was suggested that the new Strata Council treat this as an urgent matter and seek legal advice. There is also concern that the new bylaw calls for a quorum to be equal representation from each section. If one section fails to attend then no Strata Council meeting can take place.
  - d) The Strata Council also expressed concerns that the Residential Section has proposed changes to the bylaws without proper legal review and without seeking input from all owners by formal written survey in advance. Strata Council noted that not all of the proposed changes have been endorsed or approved by this Strata Council.
  - e) Lastly, the Strata Council shares Residential Executives' concerns that the Commercial Section has not acted in good faith with regards to the operation of common areas.
6. **Adjournment** – It was moved, seconded (Howard Burton/Evan Sahmet) to adjourn the meeting, **all were in favour motion carried**. The meeting was adjourned at 7:35 p.m.

*The letter attached to these minutes is the correspondence referred to in the previous Strata Council Meeting Minutes dated February 11, 2008 under Section 3. b).*



# ELECTRA

## Draft Minutes of the Annual General Meeting Strata Corporation LMS 1866 Residential Section

**Held:** Tuesday, April 15, 2008  
**Location:** Columbia Room, Holiday Inn  
1110 Howe Street,  
Vancouver, BC

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1. **Registration** – The registration commenced at 5:30 p.m. Owners signed the register, submitted proxies and were provided with voting cards at the registration desk.
2. **Call to Order/Declare Quorum/Introductions:** -Bob Adams declared a quorum and called the meeting to order at 6:45 p.m. He advised there was a quorum but, due to late arrivals, a final tally was not available at this point and would be presented when available.
3. As the President, Richard Williams, chose not to chair the meeting, it was moved, seconded and carried to **select Tanya Paz as Chairperson** for the Meeting.
4. **Calling of the Roll and Certifying Proxies:** – Bob Adams advised that the total number of votes for the Residential Section is two hundred and forty-three (243) of which fourteen were ineligible leaving two hundred and twenty-nine (229) eligible votes. Of the two hundred and twenty-nine (229) eligible votes, 20% or seventy-six (76) would declare a quorum. The attendance register was taken which confirmed fifty-one (51) owners present representing fifty five (55) votes and fifty-one (51) owners represented by proxy, representing fifty-one (51) votes, resulting in one hundred and six (106) total votes available for the Residential Section.
5. The meeting attendants were advised that the **Proof of Notice of the Annual General Meeting** was filed in the Strata Corporation's records at Facilitech's office.
6. **Report on Insurance** – Bob Adams of Facilitech advised that insurance has been placed with BFL Canada Insurance Services at a cost of \$68,606 (Shared).

All owners and residents are reminded that the strata corporation's insurance policy does not provide coverage for individual contents; betterments or improvements (i.e. storage locker contents, clothing, furniture, decorating, upgrading of carpets, flooring, etc.). Owners and residents must carry their own "Owner Package" insurance for this coverage, including any improvements. You should contact your home insurance company to determine if you have this coverage or not. **An owner also wished us to point out that shower diverters are the strata lot owner's responsibility as well as any damage occurring from a leaking diverter.**
7. **Engineering Report** - Sam Lingwood of Spratt Emmanuel Engineering addressed the recent building study and the emergency repairs being voted on.
  - a) Securing of tiles - It was reported that this is now complete.

- b) Sealing of tiles - It was reported that this is in progress.
- c) Testing of Windows - This has now been completed and leakage was determined in one or two suites. It was felt that the leakage can be resolved through ongoing maintenance. A report on the testing, results and further testing is available.
- d) Repairs to windows - This will cover the cost of repairs to the windows which is expected to only be caulking as this has been successful in the past.
- e) Concrete Repairs - This is in progress and involves repairs to the concrete crown around the perimeter of the Building.
- f) Replacement of tiles - This is being quoted and various options are being looked at.
- g) Repair and securing of tiles in lower areas - This is similar to the roof although council has some concerns regarding visible fasteners. This will be tendered when a suitable method has been established.
- h) Future engineering fees - This is to cover engineering fees.

At this point questions were asked.

**8. The President's Report is attached to the end of these minutes.**

**9. Property Manager's Report** – Bob Adams thanked the owners present for attending the meeting and reported on the following:

- a) **Building Manager** - Danny Macapinlac assumed the position of Building Manager for the Residential Section during the past year. He has spent his time on building mechanical maintenance. Danny will be spending the next year looking for cost-saving initiatives especially on the utility side with an aim to reducing long-term costs. He has been a conscientious employee and we have found him to be a great asset to the building.
- b) **Janitorial** - In order to improve building cleanliness to satisfactory levels, we re-tendered the janitorial contract and awarded the contract to Altima Janitorial. We feel that cleaning has improved, especially in high-traffic areas. Laundry rooms and the Garbage Room have shown an improvement and we must continue to be on top of these areas. We do not anticipate significant changes for next year.
- c) **Security Staff** - The Security Company, Shield Security, is meeting our expectations. Security, previously a shared expense and now only Residential, is the main difference between the two budgets and the choice will be yours when you approve the budget.
- d) **Elevators** - The elevators were our major source of concern this year with one elevator being out of service for most of the year, causing significant inconvenience to residents. Costs about \$6,000 were incurred for structural and separate inspections. Otis have not proven to be very competent at servicing our elevators and we will be reviewing their contract once the elevator cables have been changed. As Elevator No. 3 is taking too long to repair, we will be proceeding with the cable replacement. Unfortunately, this will force us to go to one elevator for about 2 days but is required to maintain the safety of the other two operational elevators.
- e) **Mechanical** - Mechanical costs were significantly over budget this year. The building has been suffering from abnormally high mechanical costs for several years now. Our Building Manager has expertise in dealing with such problems. He will be paying close attention to our mechanical systems during the next year.
- f) **Painting & Carpets** - They are touched up and repaired on an as-needed basis. The carpets are showing increasing signs of wear and will eventually need to be replaced.

- g) **Boardroom** - The boardroom is being rented weekday mornings for \$1,000/month to an ESL school. We have not budgeted for this as the contract is month-to-month and may be cancelled at any time.
  - h) **Heat Pumps** - We have 245 heat pumps in the building. They cost between \$3,000 and \$5,000 to replace. Heat pumps similar to ours are expected to have an average life of 15 to 19 years. We felt that it was wise to place them in the operating budget. Owners' feedback was that they did not want to see special assessments. This year, we anticipate to spend about \$60,000 in heat pump repairs, and actual repair costs were averaged about \$60,000 over a 3-year period. We should expect to consistently replace an average of 15-20 heat pumps per year.
  - i) **Landscaping - Green Roofs** - We have an amount in our budget to enhance the lower residential roof.
10. **Approval of Minutes** - On a motion by SL22 to accept the previous Annual General Meeting minutes dated May 31, 2007, seconded by SL43, the vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried.**
11. **Approve by Majority Vote the 2007/2008 Financial Statements** - On a motion by SL 151 to approve the 2007/2008 financial statements, seconded by SL230. Due to the date of the AGM, the statements sent out in the package were not to fiscal year end. Updated statements to the end of March were presented at the meeting and were given to owners. *A copy is attached to these minutes*, Steven Buchanan explained that there was a \$31,000 deficit for the year. The vote was called with **103 in favour, 1 opposed, 2 abstentions, motion carried.**
12. **Approve by Majority Vote the 2008/2009 Budget No. 1** - On a motion by SL151 to approve the 2008/2009 Operating Budget, seconded by SL230. The vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried. As Budget No. 1 passed, no vote was required for Budget No. 2.**

**STRATA FEES: THERE IS AN INCREASE IN STRATA FEES RETROACTIVE FROM APRIL 1, 2008 AS THE ANNUAL GENERAL MEETING WAS HELD AFTER THE STRATA CORPORATION'S FISCAL YEAR-END.**

***OWNERS WHO ARE ON PRE-AUTHORIZED PAYMENT (PAP) ARE NOT REQUIRED TO DO ANYTHING. WE WILL CONTINUE TO DEBIT YOUR BANK ACCOUNT AND YOUR STRATA FEE PAYMENTS WILL BE ADJUSTED TO THE NEW RATE ON MAY 1, 2008 WITH THE "CATCH-UP" DIFFERENCE FOR APRIL.***

***FOR THOSE OWNERS WHO PAY BY POST-DATED CHEQUES, PLEASE ISSUE NEW POST-DATED CHEQUES MADE PAYABLE TO "STRATA PLAN LMS1866" AT THE NEW STRATA FEE AMOUNT. YOU ARE ALSO REQUIRED TO INCLUDE THE "CATCH-UP" FEE FOR APRIL. PLEASE SEE ATTACHED SCHEDULE FOR YOUR NEW STRATA FEE WITH THE "CATCH-UP" DIFFERENCE.***

**13. Resolutions**

- a) **Approve by ¾ Vote Resolution #1** - It was moved by SL69, seconded by SL218 to approve the transfer of funds between accounts for the end of the 2007/2008 financial year of the Strata Corporation. The year end balance in the operating account will be transferred as follows:-

If there is a deficit, monies will be transferred from the Contingency Reserve Fund and if there is a surplus of funds, the monies will be transferred to the Contingency Reserve Fund. After discussion, the vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried.**

**Note:** As per the report on financials, it was expected that there would be a deficit of \$31,000. This was primarily caused by extra steam costs. These will be investigated and reported in future minutes.

- b) **Approve by ¾ Vote Resolution #2** - It was moved by SL169, seconded by SL132 to approve the transfer of approximately **\$13,600** from the special project fund surplus back to the Contingency Reserve Fund. After discussion the vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried.**
- c) **Approve by ¾ Vote Resolution #3** - It was moved by SL77, seconded by SL153 to approve the withdrawal of monies from the Contingency Reserve Fund to cover the funding of Special Projects as follows:-

<b>Securing of Tiles</b>	<b>Residential Portion</b>	<b>\$33,600</b>
<i>(Completed) (Total \$56,000)</i>		

This was an emergency repair which was necessitated by tiles breaking away from the building and falling on to the sidewalk.

<b>Sealing of Tiles</b>	<b>Residential Portion</b>	<b>\$4,800</b>
<i>(In progress) (Total \$8,000)</i>		

The tiles, once secured, needed to be sealed to prevent further ingress of water.

<b>Testing of Windows</b>	<b>Residential Portion</b>	<b>\$9,600</b>
<i>(In progress) (Total \$ 16,000.00)</i>		

During the past few years we have had some suites with water ingress through the windows. It is suspected this is an isolated problem. The testing will determine where the water ingress is coming from and will determine a method of repair. This cost may be reduced.

<b>Repairs to Windows</b>	<b>Residential Portion</b>	<b>\$9,600</b>
<i>(Pending Results) (Total \$ 16,000.00)</i>		

We are allowing an amount for some repairs to windows at this point we do not have any idea of the repair required. There will have to be some repairs completed once the cause of the water ingress is determined.

<b>Concrete Repairs</b>	<b>Residential Portion</b>	<b>\$30,000</b>
<i>(Not started as of to-day but contract awarded) (Total \$50,000)</i>		

There is a concrete parapet that runs around the tower of the building. This was identified in the maintenance study as being of major concern and was deemed based on the report an emergency repair. We have not completed this project to date.

<b>Replacement of Tiles</b>	<b>Residential Portion</b>	<b>\$4,200</b>
<i>(Not Started) (Total Project \$7,000)</i>		

There is an area on the roof where a batch of tiles fell off. This needs to either have new tiles installed or be painted to match or perhaps a door or a grill may be installed to hide the gap. This will have to be determined when the cost of tile replacement is determined.



**Repair/secure tiles in lowers areas Residential Portion \$21,000**

*(Not Started) (Total Project \$35,000)*

There are more loose tiles on the lower areas of the building mostly beside the Scotia Bank. These need to be removed and replaced.

**Future engineering fee Residential Portion \$18,000**

*(Not Started) (Total Project \$ 30,000)*

This would be used to determine what a priority is in the engineering report and prepare specs and costing to take back to the owners at the next AGM. One example is caulking of the building. The report deems that this should be done within the next two or three years.

After discussion, the vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried.**

- d) **Approve by ¾ Vote Resolution #4** - It was moved by SL191 and seconded by SL166 to amend the bylaws of the Strata Corporation to restrict occupancy according to size and number of bedrooms in residential units. After discussion, a secret ballot vote was called with **66 in favour, 39 opposed, 1 abstentions, motion defeated.**
- e) **Approve by ¾ Vote Resolution #5** - It was moved by SL242, seconded by SL132 to amend the bylaws of the strata corporation to clarify joint council representation and representation. After discussion a secret ballot vote was called with **84 in favour, 10 opposed, 12 abstentions, motion carried.**
- f) **Approve by ¾ Vote Resolution #6** - It was moved SL132, seconded by SL137 to approve the rental of the unused portion of the Lower Main Bicycle Storage Space at an annual rate of \$10.00 per square foot for the purpose of storing active electrical equipment. It was moved, seconded and carried to amend the resolution to remove the rate of \$10.00, all in favour motion carried. The discussion was that if this motion was approved the new council should be able to negotiate the best possible rate. A secret ballot vote was called on the amended motion with **24 in favour, 62 opposed, 20 abstentions, motion defeated.**
- g) **Approve by ¾ Vote Resolution #7** - It was moved SL132, seconded by SL77 to approve the rental of a portion of unused roof top space at an annual rate of \$1,000.00 for the purpose of setting up wireless equipment. There is also a one-time payment of \$1,000 up front. A secret ballot vote was called on the amended motion with **32 in favour, 67 opposed, 7 abstentions, motion defeated.**
- h) **Approve by ¾ Vote Resolution # 8** - It was moved SL132, seconded by SL43 to approve the use of the data centre created heat to reduce the single most expensive monthly steam bill. The Data Centre Owner agrees to pay for all up front construction costs associated with the discharge of hot water into the residential heating system. A secret ballot vote was called on the motion with **51 in favour, 50 opposed, 5 abstentions, motion carried.**
14. **Ratify by Majority Vote the Residential Rules and Signage Policy for The Electra** – It was moved by SL137, seconded by SL220 to approve the current Residential Rules and Signage Policy for the Electra. The vote was called with **105 in favour, 0 opposed, 1 abstentions, motion carried.**
15. **New Business** - An owner asked how much money was owed by the commercial section. He was advised that it was approx. \$60,000.

16. **Nominations for and Election of the 2008/2009 Residential Executive** - As more than seven people were nominated for Council, a vote was taken with owners asked to elect seven executives members. On a motion by SL218, seconded by SL57 that the top seven people with the most votes will form the Residential Executive. The vote was called with **106 in favour, 0 opposed, 0 abstentions, motion carried**. The votes were tallied and the following people were nominated and elected as the new Residential Executive for the year 2008/2009:

Howard Burton  
Evan Sahmet  
Kelly Leoppky  
Mehdi Alaei-Tafti  
Karson Tse  
Daniel St-Gelais  
Michael Gurstein

It was **moved seconded and carried** to accept the above as the new Residential Executive.

17. **Adjournment** - On a motion by SL218 to adjourn the meeting, seconded by SL57, **all in favour, motion carried**. The meeting was adjourned at 10:55 p.m.

**We would like to thank all owners who provide their monthly strata fees promptly and without problems - either by PAP or post-dated cheques. Your co-operation is most appreciated. Please remember when you write cheques, to make them payable to your strata corporation – “Strata Plan LMS1866” and to identify your suite number or strata lot number. Payments are due on the first of each month. No invoice will be sent.**

## PRESIDENT'S REPORT (ITEM 8)

Hello everyone. My name is Richard Williams and I have had the opportunity this past year to be President of the Electra Residential Executive. I want to thank everyone for attending this evening. I hope this meeting will address any questions you have.

First, I'd like to introduce the other members of the Council. There's Ray Cousineau who acted as Secretary for much of the year and Colin McBride, our Treasurer. Howard Burton looked after security and took care to see that the guest suites were welcoming and an ongoing source of revenue for owners. As a member of Council, Vince White spent considerable time working with a small group of owners on the occupancy bylaw that will be presented later this evening. Vince will also be well known in the building as he worked informally with a lot of owners and residents through the Electra Social Club which was Vince's personal initiative. Gordie Forrest has been instrumental in keeping us focused on the bottom line and financial reporting and, along with Ray, has shared his technical expertise many times to the great benefit of all owners. Tony Fung, along with Gordie and Colin, brought the perspectives of investor owners to the table. Special thanks to Evan Sahmet who, with Howard Burton, sat on the joint Strata Council with the Commercial. Evan's role was particularly difficult as he was not a member of the Residential Council.

When this Council's term began last May, its members had a variety of interests and concerns and I'll briefly touch on some of their accomplishments.

Council wanted to improve communication with owners and to resolve the issue. Minutes were expanded and distributed in a timely fashion. Meetings have been open and I believe owners have attended every meeting we have had. Emailed minutes were introduced and, if you haven't signed on for that yet, there is a sheet at the registration desk. Council members were concerned about our relationship with our Property Manager, Bob Adams, and his company, Facilitech. To resolve that issue, Council worked closely with Bob to ensure that contentious issues were identified and addressed; financial statements were prepared and distributed in advance of our council meetings, residential cheques required two signatures, including one from a council member, receivables were reduced, strata fees on automatic payment plans were withdrawn sooner, in-building communication with owners was improved. Council signed a new contract with Facilitech and added a clause that Council could terminate the contract with Facilitech on two-month's notice instead of going to the owners for a 75% vote. In addition to the above, Bob has provided excellent advice, been accessible, managed numerous unexpected issues and, in a year marked by its fair share of emotional upheaval, he has been a calm voice. He knows the building and strata law, and I believe he respects owners and acts in their best interests.

Council's desire to establish a long-term plan for ongoing maintenance and building improvements (such as hallway painting, furniture upgrades, carpet replacement, etc.) was waylaid when a portion of the heritage mosaics on the mechanical penthouse fell to the ground early in November. The repairs required immediate attention and the cost has been considerable. Council was concerned about how best to respect the interests of owner residents, owner investors and all residents. To that end we have tried to model civil behaviour, to listen and understand different views and to communicate our opinions clearly and quickly.

Tonight we are introducing an occupancy bylaw. The bylaw itself, in my opinion, is not particularly onerous for owner/investors, nor does it reduce the value for resident owners who may consider renting their units in the future. But the bylaw establishes that owners are concerned about the number of people in suites and acknowledges that the Electra is home to many individuals who, whether owners or tenants, are entitled to a safe, clean environment, well-maintained facilities and common spaces.

Council was also concerned about the makeup of Joint Council and how to ensure its representatives reflected the interest of residential owners. To resolve that issue, we are introducing a bylaw tonight to ensure that all members of the joint council are members of the residential council. This is the way the building operated from day one until last year and the members of this Council believe it is the best way to ensure that the interests of owners are represented at Joint Council.

Council was also concerned that ongoing maintenance needed to be stepped up and that a fair and sustainable financial base had to be established so owners both understood the costs associated with operating The Electra and could budget throughout the year to pay for them. As such in tonight's meeting, you'll be asked to approve a budget with a hefty increase in strata fees. A fair bit of the increase in fees is earmarked for the Contingency Reserve Fund, which will be increased by \$43,502 to \$110,000 this year. Council members acknowledge that the budget increase is substantial but I hope that most owners appreciate the need for the additional funds. I have heard that perhaps we should have collected the money via special assessment. The feeling of council was that rather than ask owners to fork over from \$327 to \$2,219 in one or two payments, the best way would be to increase monthly fees. I've also heard that once maintenance fees go up they never go down. This is possibly true but with a variety of maintenance projects in the works and some common property issues needing to be addressed within the next few years; I can't see fees decreasing over the next three years. But it is possible that when a comprehensive maintenance plan is in place and major projects are in hand, the annual budget could be reduced — particularly when you consider the hefty amounts going into the CRF. I am proud of the progress that has been made this year, but I'd also like to acknowledge our failings. Council has been offered assistance and expertise by owners and on occasion we have failed to engage them and take them up on their offers as effectively as we should have. Some Council initiatives have been painfully slow to implement — others painfully slow to resolve, the elevators come to mind as does working with BC Transmission to improve the landscaping and maintenance of the Dal Grauer substation. But whatever the failings, Council has absolute respect for owners, their money and their best interests.

I would be remiss if I didn't mention our relationship with Electra Commercial this past year. We got off to a rocky start when Commercial voted to self-manage but residential owners did not reach the required 75% to change property managers. Commercial, at first, encouraged Residential to terminate Facilitatech's contract despite the vote taken at the AGM. Then, when Commercial did begin to self-manage, the building in effect had two property managers and that new situation took some getting used to. Who paid joint invoices ... who had access to what areas and what equipment? Who dealt with contractors on behalf of owners? Who employed who? The problems created a fair bit of grief over the first few months, but they slowly sorted out. Of course, by the time the dust had settled, some services had been split and some costs increased. Our relationship with Commercial has since had its ups and downs. On the plus side, we have continued to work with them and they with us to pay our common expenses. This past year those expenses have included the cost of testing our windows and repairing the mosaic tile that fell from the roof. Commercial also acted aggressively on behalf of all owners in securing a refund of \$63,000 from Central Heat, of which approximately \$37,000 went to Residential. That money offset unanticipated costs such as increased security, the cost of the mortgage on the manager's suite. Over the year you may have heard a lot about security issues involving Residential and Commercial sharing common and restricted areas ... but this actually has been a good year for security — thanks to the controlled elevator access, our security staff and Howard's good work. The main concern with Commercial now is that they have in recent months refused to participate in joint council meetings. I don't believe boycotting joint council meetings is good practice, nor can I understand how it serves the needs of either the residential or commercial owners. However, yesterday for commercial and today for residential marks a new year and I am confident calm heads will prevail and improvements in the working relationship will continue.

Owners can, I believe, take pride in their employees. Your Building Manager, Danny, it seems to me, is unfailingly courteous and efficient and diligent in his work habits. We are lucky to have him. We have an excellent cleaning staff and security guards.

I want to end by thanking the owners for their patience and understanding throughout the year. I have enjoyed getting to know more owners and residents, to listening to what they have to say and to hearing their thoughtful criticism. There is a tendency to say that sitting on Council is a thankless job and it's one I may have perpetuated on occasion, but overall this has not been a thankless year. Council members have been thanked via email, on the phone and in person and it really is my turn now, on behalf of every member of council, to thank you.





**Contact your  
Executive**

**Residents can contact  
the Executive  
by  
dropping a letter in the  
council mailbox  
located in the mailroom.**

**Non-residents  
can mail  
LMS 1866 The Electra  
c/o  
Facilitech  
Property Management  
1110 Howe Street  
Vancouver, BC V6Z 1R2**

**Emergencies  
Fire Flood and Life Safety  
Call 604-488-0048**

**President  
Howard Burton**

**Vice President  
Evan Sahmet**

**Treasurer  
Karson Tse**

**Secretary  
Medhi A. Tafti**

**Strata Corporation LMS 1866  
Residential Executive Draft Minutes  
Tuesday, May 6<sup>th</sup>, 2008 at the Electra Boardroom**

**Present**

Howard Burton  
Evan Sahmet  
Michael Gurstein  
Medhi A. Tafti  
Daniel St. Gelais  
Karson Tse

**Facilitech**

Bob Adams

**Electra Staff**

Danny Macapinlac, Electra Residential Building Manager

**Regrets**

Kelly Loeppky

**Guests (all owners)**

Richard Williams, Gordie Forrest, Colin McBride and Vince White who were present for the in camera update on past issues. Anne Adams was present for the council meeting.

1.

**Call to Order** - In the absence of a President, Bob Adams called the meeting to order and declared a quorum at 6:35 p.m.

2.

**In Camera** - A 30-minute in camera session was held with past Executive members who updated the new elected executive on outstanding issues.

3.

**Approval of the Minutes** - It was moved, seconded and carried to adopt the minutes dated February 26, 2008 as distributed. There was not a quorum present at the March meeting therefore the minutes did not have to be approved.

4.

**Operations Report** - Danny reported on various activities throughout the building during the previous month including:

- There were five move-ins and two move-outs and Five Social Club bookings.
- Heat Pumps were replaced in 4 suites.
- No Smoking signs were installed on entrance glass doors of residential lobby and also in Patio BBQ area and ashtrays were removed from the patio. This is to conform to new Vancouver by-laws. All Residents should take responsibility to ensure the bylaws are adhered to.



**Window Cleaning  
will commence  
Tuesday, May 20<sup>th</sup>  
and take  
approximately 2 weeks,  
weather  
permitting.**

**Please ensure you  
close your  
windows and blinds.**

**Smoking in the stairwells:  
Any  
Owner or Resident caught  
smoking on  
common property  
including  
Stairwells  
may be fined up  
to \$200.00.  
Owners are invited  
to inform Council/Facilitech  
if this  
is a problem for them.**

- Various initiatives have been implemented to reduce energy consumption. We have adjusted the time for corridor supply fans to shut off at 11:30 p.m. and turn on at 5:30 am. This should not create any air quality issues within the building. The heat to the corridors has been reduced and is being monitored. To date there has been no complaints from reside regarding these actions.
- Elevator #2 stuck at lower main and main lobby during the evening time with door closing and opening several times. (Otis resolved the issue the next day).
- There was a discussion regarding the amount of time the building manager spends dealing with tenants rather than owners. The Building Manager was asked to advise tenants to contact their landlord or the agent when they have problems. A notice to this effect will be posted in the mailroom. Danny was advised to keep a written record of requests by the tenants for review by the Executive.
- There was a discussion regarding the relationship between Facilitech and the Commercial Executive. The relationship between Bob Adams and the Commercial Executive has reached a point whereby the commercial will not interact constructively with him. They approach Residential Executive members and/or the Building Manager instead, causing poor communication and affecting the management of the building. The Residential Executive would like to have a strong working relationship with the Commercial Executive and have suggested that in order to achieve this Facilitech should consider appointing a representative within their organization to deal with shared issues. Facilitech were asked to report back to the executive on the feasibility of this by the next Strata Meetir  
**The Residential Executive encourages all owners to attend the Strata (Joint) Council Meetings.**
- At this point Danny left the meeting.

5.

#### **Election of Officers**

Prior to proceeding with the election of officers, it was noted that two members who were elected to the executive at the AGM were ineligible to sit, as they were not on title as owners. According to the Strata Property Act and the Electra bylaws only owners, corporate representatives and tenants who have been assigned their landlords' right can be elected. A legal opinion and advice (attached) was presented which concurred with this. This was discussed by all members and it was agreed by all that the two members, Kelly Loeppky and Daniel St. Gelais, shall remain as active members of the Executive but, as advised by the lawyer, will not hold any office or voting rights.

**It was moved seconded and carried** that a Special General Meeting (SGM) be held in conjunction with revised proposals from a commercial owner to rent space in the residential area. The commercial owner has been advised to resubmit a more in depth proposal that will clarify some of the concerns raised by owners at the AGM. Michael Gurstein agreed to contact the commercial owner with respect to submitting a new proposal. The SGM will also ask the owners to amend the Corporation's bylaws to allow spouses (as defined in t' strata property act) to sit on the Executive.





**Please keep  
your  
accounts  
Up-to-date**

*The Residential Section  
of the  
Electra Strata Council  
has authorized  
liens to be  
applied to all units  
owing in  
excess of \$1,000.*

*Delinquent  
Accounts  
also face possible  
forced sale  
and legal fees.*

The eligibility of executive member Karson Tse who represents a Corporation owner was also raised. The act does allow an agent representing a Corporation to sit on Council. We do have a letter on file from the Corporation confirming the appointment and it was received prior to the AGM.

**Joint Council** - There are concerns that the bylaw passed at the residential AGM in relation to the Strata (Joint) Council would not be enforceable due to the fact that it was not presented or passed at the commercial AGM. Bob Adams will obtain further information on this for the next meeting. **It was moved, seconded and carried** that the Residential Executive respect the wishes of the previous Council and the approved residential bylaw that the Vice-President and Treasurer sit on the Strata (Joint) Council.

**The Election of officers** was held by secret ballot and it was moved seconded and carried to elect the following members as officers until the S.G.M. after which another election of officers will be held.

<b>President</b>	<b>Howard Burton</b>
<b>Vice President</b>	<b>Evan Sahmet</b>
<b>Treasurer</b>	<b>Karson Tse</b>
<b>Secretary</b>	<b>Medhi A.Tafti</b>

**6.  
Financial Business**

- a) The financial statements that were presented at the AGM were sent out to all owners with the AGM minutes. At this point it is expected we will be ending the year with a deficit of \$31,000.00 due to steam costs. This raises the question as to the equitable allocation of steam costs since the commercial section, independently and without consultation with the Strata Council or Residential Executive, installed a new steam meter to determine the allocation of steam usage rather the historical 60/40 split. A preliminary review raised the question of equitable allocations particularly related to the joint common property. We will look at other ways to reduce costs for the next year.
- b) Receivables from owners for strata fees have dropped to \$20,784.33. We are continuing the practice established by the previous council to pursue owners who are in substantial arrears greater than \$1,000. Lawyers have written letters to 4 owners to inform them that Council will initiate a force-sale on their suites if payments are not made. In addition, all associated legal costs are born by the individual owners who are in arrears. If you are an owner in arrears, please remember that other owners are currently carrying your debt and that to avoid liens and legal action (including a forced sale of your unit), payments should be made immediately.

**If you have any questions about your balance,  
contact Facilitech at 604- 684-9940.**



*At the time of preparation of these minutes, elevator No.3 is in operation and being monitored. The motor in Elevator No. 2 is now being replaced*

7

## Operations Report

- a) A question was raised regarding the fact that the swing stage has been on site since early December and has been poorly utilized. Bob Adams explained that the swing stage was necessary to complete the sealing of the tiles and the repairs to the loose concrete on the tower. The sealer, however, required a temperature above 7 degrees for five days and, because of the unreasonably cold winter and spring temperatures, the sealing had to be delayed.
- b) **Tiles on exterior walls of mechanical penthouse** - The tile work is now complete. The contractor is repairing the spalling concrete in the diamonds.
- c) **Windows** - The testing revealed that the leakage was caused by a failure of seals around the edge of eight windows. This can be solved by regular maintenance (Caulking). We will be proceeding with caulking of the windows in the suites that showed water ingress as well as the windows above the affected areas (15 suites in all). The Council has agreed that the windows will be caulked on a yearly basis. This year we will be using the monies approved at the AGM. In future years, the owners will be asked to approve an expenditure of \$20,000 per year. A report from Spratt Emanuel will be posted on the Electra website.
- d) **Concrete** - We are still awaiting quotes on the method of erecting scaffolding around the building to allow a safe repair. The contractor is pricing this and various methods are being looked at. Meeting are being held to review options.
- e) **Elevators** - At the time of the meeting Elevator #3 is still not resolved. Discussed at the AGM we have decided to proceed with the changing of cables on elevators 1 and 2 this will involve the shutting down of one elevator for 3 days. This means that only one elevator will be operational. During this time no move-ins will be allowed. The Strata Corporation will incur no cost as this is covered under our maintenance agreement.
- f) **Guest suites occupancies April 2008**
  - Suite 1 - -25 %
  - Suite 2 - 25%
  - Suite 3 - -64%
  - Former caretaker's suite - 12 nights - 38%
- g) **Landscaping** - C&G Property Care has been hired for landscaping and the contract is within budget. **It was moved seconded and carried** to proceed with the landscaping contract. The contract will be available to owners on request.
- h) **Privacy Guidelines** - The new Executive was given a copy of Privacy Guidelines. These will be reviewed by council and discussed at the next meeting. The overall view was that they should be approved in full and brought forward to the Joint council for approval.



**Do not allow any  
one who does not  
have a FOB  
access to  
the Building.  
Security  
is everyone's  
responsibility**

i) **Security** – The presence of more street people into the west end requires we be more vigilant as to security. One particular area of concern is the door at the mezzanine which separates the commercial and residential sections. (Outside Dannie's Office). Currently the door is programmed to allow admittance by FOB only to prevent unauthorized people from gaining entrance to the residential section. A commercial tenant sent a letter requesting that the door be free flowing to allow people to exit by the residential area. Bob Adams is seeking an opinion from a fire code consultant as to how we can maintain security and still adhere to the fire code regulations.

7. **Next Meeting** - The next meeting is scheduled for June 5, 2008 in the Electra Boardroom beginning at 6:30 p.m.

8. **Adjournment** - It was move seconded and carried to adjourn the meeting at 10:55 p.m.

**If you would like to receive your  
minutes  
by email  
(Information sooner at less cost)  
please, forward your email address  
to  
[bob@facilitech.ca](mailto:bob@facilitech.ca)**

**and indicate in the subject line  
Electra minutes If you wish to  
continue to receive your minutes  
by mail,  
no action is necessary.**



# CLARK WILSON LLP

BC's Law Firm for Business

Reply Attention of Veronica P. Franco  
Direct Tel. 604.891.7714  
EMail Address vpf@cwilson.com  
Our File No. 17207.0001 /CW1846960.1

Clark Wilson LLP  
Barristers & Solicitors  
Patent & Trade-mark Agents  
800-885 W Georgia Street  
Vancouver, BC V6C 3H1  
Tel. 604.687.5700  
Fax 604.687.6314

May 5, 2008

**BY FAX**

The Owners, Strata Plan LMS 1866  
c/o Facilitatech Property Management Ltd.  
1110 Howe Street  
Vancouver, BC V6Z 1R2

Attention: **Mr. Bob Adams**  
**Property Manager**

Dear Mr. Adams:

Re: **The Owners, Strata Plan LMS 1866**  
**Legal Opinion**

---

You have asked for an opinion as to whether the spouse of an owner can stand for council. You advised that at a recent Annual General Meeting, two of the persons elected to council are not on title to their strata lot. While they are not on title, they wish to stand on council as a result of being the spouse of the owner.

Section 28(1) of the *Strata Property Act* provides that the only persons who may be council members are the following:

- (a) owners;
- (b) individuals representing corporate owners;
- (c) tenants who, under section 147 or 148, have been assigned a landlord's right to stand for council.

The list for eligibility to stand for council under section 28(1) of the *Strata Property Act* is exhaustive. In other words, it is only those persons listed in section 28(1) that can stand for council. In the situation that the Electra finds itself, the subsection dealing with corporate owners and tenants does not apply. To determine whether the spouse of an owner can be considered an owner, one must look at the definition of owner under the *Strata Property Act*. Section 1 defines an owner as:

a person, including an owner developer, who is

- (a) a person shown in the register of a land title office as the owner of a freehold estate in a strata lot, whether entitled to it in the person's own right or in a representative capacity;

- 2 -

- (b) if the strata lot is in a leasehold strata plan, as defined in section 199, a leasehold tenant as defined in that section,  
  
unless there is
- (c) a registered agreement for sale, in which case it means the registered holder of the last registered agreement for sale; or
- (d) a registered life estate, in which case it means the tenant for life.

There is nothing in the definition of owner that extends an owner to include the spouse of an owner. As a result, the spouse of an owner cannot stand for council, unless one of two exceptions applies. Section 28(2) allows the strata corporation to expand membership on council by passing a bylaw allowing special classes of persons to stand for council. For example, if a strata corporation passes a bylaw that states that the spouse of an owner can stand for council, then the spouse of an owner would be eligible even though section 28(1) would not normally allow him or her to do so.

The other exception is the situation where the spouse of an owner is a tenant of the owner's strata lot. Even if there is a rental restriction bylaw, the spouse of an owner could be a tenant under the family member exemption because a family member is defined under the Regulations to include the spouse of an owner. If the owner wants their spouse to stand for council, the spouse must be a tenant and the landlord must assign their right to stand for council to the spouse in accordance with section 147 of the *Strata Property Act*. The assignment must be in writing and should specifically state that the owner is assigning his or her right to stand for council to the spouse. The definition of tenant is quite expansive. Section 1 of the *Strata Property Act* defines tenant as a "person who rents all or part of a strata lot, and includes a subtenant...". A spouse may be considered a tenant if he or she pays rent, contributes to the mortgage, insurance, strata fees, special levies or property taxes. Alternatively, a spouse may be considered a tenant if he or she provides services instead of money. For example, if the spouse undertakes and oversees renovations or is responsible for repair and maintenance of a Strata Lot, this might be considered "rent".

If you have any further questions on this issue, please do not hesitate to contact me.

Yours truly,

**CLARK WILSON LLP**

Per: 

Veronica P. Franco

VPF/jgl

---

**Bob Adams**

---

**From:** Veronica Franco [VPF@cwilson.com]  
**Sent:** May-06-08 5:08 PM  
**To:** Bob Adams  
**Subject:** The Electra - LMS 1866: Follow up on Opinion re Non - Owner Council Members

Hi Bob,

As discussed, with the status of the two non-owner council members, I do not think it is appropriate for those members to vote on any resolutions until their status is confirmed or to be elected to specific officer positions (i.e. President, Vice-President, Secretary, Treasurer, or any other position). As per my opinion, the two non-owner council members cannot be on council unless the exceptions I mentioned in my opinion apply. If the non-owners are able to change their status such that either they become members or fall into the exceptions, then they may be eligible for Council. Until then, they are not able to participate in any council decisions or vote on resolutions. Provided the bylaws permit it, those non-owners can attend the Council Meetings as observers.

Once the non-owners are eligible for council, there are three ways of proceeding:

1. Do nothing. The Council then is made up of the current council less the two non-owners. This will only work if the bylaws allows for a council to have the number of members left after the two non-owners are out.
2. Call an SGM to elect the two vacant positions, at which time the non-owners can run for election again.
3. The council can simply appoint the two non-owners once their status is corrected to council provided the bylaws allow for the appointment of council members when there are vacancies (ie. standard bylaw 12).

Regards

**Veronica P. Franco**

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Barristers & Solicitors  
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800 - 885 W Georgia Street  
Vancouver, BC V6C 3H1 Canada  
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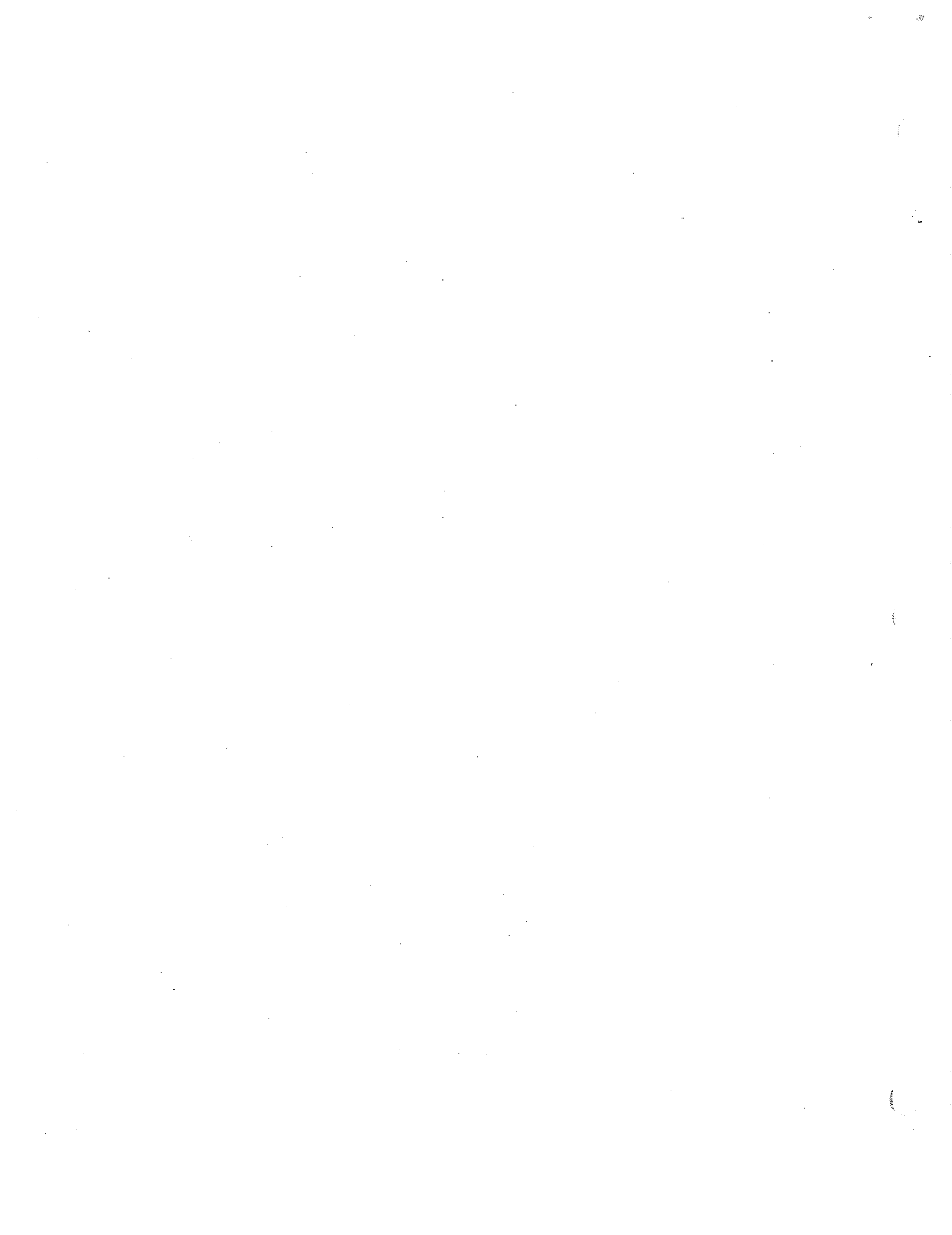
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No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 269.23.9/1417 - Release Date: 06/05/2008 8:07 AM

06/05/2008







**Strata Corporation LMS1866  
Residential Executive Draft Minutes  
Thursday, June 5, 2008 at the Electra Boardroom**

**Contact your strata  
council  
Residents can contact  
strata council by  
dropping a  
letter in the council  
mailbox  
located in the mailroom**

**Non-residents can mail  
LMS 1866 The Electra  
c/o Facilitatech Property  
Management  
1110 Howe Street  
Vancouver BC V6Z 1R2**

**Present**

Howard Burton, President  
Evan Sahmet, Vice President  
Karson Tse, Treasurer  
Mehdi Alaei Tafti, Secretary  
Daniel St-Gelais

**Facilitatech**

Bob Adams  
Lawrence McGillivray

**Electra staff**

Danny Macapinlac, Electra Residential Building Manager

**Regrets**

Kelly Loeppky  
Michael Gurstein

**Guests**

6 Owners

1.

**Call to order**

Howard Burton, President called the meeting to order and declared a quorum at 6:49 pm.

2.

**Approval of the minutes dated Tuesday May 6, 2008**

It was moved, seconded and carried to adopt the minutes dated May 6, 2008 as distributed.

3.

**Operations Report**

Danny Macapinlac, Building Manager reported on various activities throughout the building during the previous month including:

Window cleaning is 75 % complete. (Now complete)

The new gardening contractor has started and we are seeing an improvement on the landscaping.

Handrail was stolen from an elevator, also a panel was removed from another elevator but was recovered. This is expensive and repairs are likely to cost over \$3,000.00.

A sprinkler head was removed in error on the commercial side causing a building evacuation. All of the repairs are covered under the contractors insurance.



## **Moving In or Out**

**Moves must be booked  
in advance please see  
attached form and  
guidelines**

**No moves are allowed  
through the front Door**

The annual maintenance of the cooling tower was completed by Olympic service agencies.

One major emergency expense was a sump pump pipe cracking and needing replacement this is expected to cost about \$5,000. The pipe is a common asset, so 40% of the cost will be covered by the commercial section.

There were two move ins and outs during the month.

There were concerns regarding the controls for the heating and cooling system. It was reported that these keep getting changed by other users. The only people accessing the system are the commercial executive. This was of particular concern regarding water temperature as every time this is changed it increased steam costs. A letter will be sent to the Commercial section asking them not to change any setting we have put in to the system. The Building Manager will contact Control Solutions to determine a cost to have a separate system for the residential section. This will provide total control of our heating systems.

There was also a concern raised regarding the misuse of access Fobs. It is evident that some Commercial Owners are using the Fitness Facilities as well as the Social Club. In addition one of the commercial tenants is continuously using the mezzanine emergency exit door which provides access to the residential area as a means to enter or exit his commercial strata. A search of our FOB database indicates that this owner has 3 FOBs assigned which allow him access to all areas of the residential section, particularly access to all residential floors. The previous council established a procedure to eliminate these inclusions. John Davies, the president of the commercial council was present at this meeting and indicated that there was no need for the commercial section to have access to the residential areas other than the 21<sup>st</sup> Floor that provides access to the roof. It was agreed that a policy regarding FOB usage will be developed and the commercial section will be asked to sign off and agree to this policy.

Danny advised that he will be on vacation for one week and will be replaced by **Jacqui Bohling**.

**The office hours will remain the same.**

**At this point Danny left the meeting.**



**Please keep  
your accounts  
Up-to-date**

**The Residential Section  
of the Electra Strata  
Council  
has authorized liens  
to be applied  
to all units owing  
in excess of \$1,000.  
Delinquent accounts  
also face  
possible forced sale and  
legal fees.**

**4.  
Financial Business**

**The financial statements were reviewed for April 2008.**

Strata Contingency Fund	\$71,694.83
Special Project Fund	\$92,558.47

**As of April 2008 the corporation was showing a surplus of \$4,027.**

**It was moved, seconded and carried to approve the financial statements as presented.**

**Receivables from commercial were at \$58,564.40.**

This is money that was paid on behalf of the commercial for common expenses as agreed at the Strata Council level and monthly invoices were then sent to their administrator. To date no payment has been received.

Bob Adams reported that he had sent another detailed copy of all invoices to the commercial executive. Karson Tse had called the treasurer Martha Welsh of the commercial to expedite the settlement of monies owing the residential section. She advised that she had resigned as treasurer and as a member of the commercial executive.

It was agreed that a Strata Council meeting will be called prior to the next Residential meeting and members of both councils will be invited to attend.

**Receivables as of June 5, 2008 is \$17,398.63**

We are continuing to pursue 4 owners who are in arrears. Lawyers have written letters to these owners to inform them that Council will initiate a forced sale on their suites if payments are not made. In addition, all associated legal costs are borne by the individual owners who are in arrears. **If you are an owner in arrears, please remember that other owners are currently carrying your debt and that to avoid liens and legal action (including a forced sale of your unit), payments should be made immediately.**

**If you have any questions about your balance, please contact Facilitech at 604-684-9940.**



## Strata Meetings

**Owners are encouraged to attend any Residential or Strata Meeting**

### 5. Current Business

- a) **Strata (Joint) Council update** - A meeting of the Strata Council was held on May 20, 2008. The primary purpose of the meeting was to elect a President and Vice President. The vote regarding this was split and with no deciding vote the members reached an impasse.

The Residential members Evan Sahmet and Karson Tse (in consultation with all Residential members present in addition with Bob Adams, Property Manager for the residential section and Joint Council) presented a compromise to the Commercial Members John Davies and Tony Lum which was that both parties would agree to forego the deciding vote of the president and have co-presidents. This would then allow the members to deal with issues that they agree upon and contentious issues could be sent back to the Executives for discussion and amendment. This was rejected.

**A motion was made by John Davies, seconded by Tony Lum, without any further business being discussed.**

It was moved, seconded and carried that a legal opinion be obtained to determine how the Strata (Joint Council) should function and what occurs in the event of a tied vote.

- b) **Steam Costs** - There is still a concern that the split of steam cost & the installation of different meters by the commercial is not equitable. It was moved, seconded and carried that an engineer be hired to review the distribution and ensure that the split is fair to both parties. Facilitatech will also contact UBC to see if this is a project that could be taken on by supervised students.
- c) **Mezzanine Door** - To allay the fears of the Mezzanine owner, it was established that the door leading to the residential section does open in the event of a fire alarm. A code consultant will be hired to ensure that we are meeting relevant codes.
- d) **Web Site** - The web site is not being updated because we have been unable to obtain the password that is being held by a previous council member. Facilitatech were asked to contact the hosting company for the relevant codes and ensure that updated information is downloaded to the site.
- e) **Privacy Guidelines** - It was moved, seconded and carried to adopt the privacy guidelines as presented at the last meeting. Council advised that a letter should be sent to Strata (Joint) Council advising them of concerns with the wording on the posted signs regarding camera surveillance. The wording may pose a potential liability LMS1866 as none of the cameras are viewed continually. In addition, these signs and the cameras were installed on common property by the commercial section without any prior consultation.



## Elevator Update

As of today Elevator #3 is operational but may require programming changes

Elevator #1 has had new cables installed as expected they have stretched and the unit is shut down while they are being trimmed

Otis are in the process of correcting this at which time Elevator #2's cables will be replaced

- f) **Building Repairs** - We have continued to hold meetings with the Commercial Section, Contractors and the engineers. These sessions have been productive with decisions on procedures and expenditures being agreed upon unanimously.
- g) **Sealing of Tiles** - This is now complete and the swing stage has been removed.
- h) **Scaffolding for concrete repair** - The scaffolding company has asked for the full amount of the project up front. We are not comfortable prepaying all of the money but we would consider paying a deposit. Sam Lingwood of Spratt Emanuel advised that they are trying to get this changed and expect this will happen shortly. The scaffolding will be available within two weeks from placing the order. A quote of \$200,000 was presented for the installation of scaffolding from the ground up obviously this was rejected.
- i) **Contract** - The residential council had wanted assurance that the quality of the concrete work was done properly and require assurance that the work will be inspected by a qualified engineer. Sam Lingwood of Spratt Emanuel assured us that this will be the case and that they have engineers on staff qualified in concrete restoration whom will do the inspections and sign off on the work. This is extremely important due to cost of installing scaffolding which is higher than the actual repair.
- j) **Caulking of Windows** - A quote was presented to caulk the windows identified in the report - \$3, 900 plus taxes. **It was moved, seconded and carried to proceed with this work.**
- k) **Elevator** - Elevator #1 is scheduled to have the cables replaced on Monday, June 9, 2008. It is expected that Elevator #3 will be functioning during this period.

**No move ins will be allowed as the work proceeds.**

- l) **Tiles Lower Level** - Darren Prezer of Proactive Building Maintenance will supply a quote to complete this work.
- m) **Electrical Work in Basement** - The council will ensure that all work is covered under permits and meets all applicable codes. Council will appoint a person to ensure compliance.
- n) **Leasing of space lower main** - Michael Gurstein had reported that he had met with Tony Lum, the owner who wished to rent space and Tony has advised that he is no longer interested.



### Smoking in the stairwells:

Any owner or Resident caught smoking in the common property including Stairwells may be fined up to **\$200.00**. Owners are also invited to inform Council/Facilitech if this is a problem for them as well.

**o) Janitorial Contract** - It was moved, seconded and carried that the contract with Altima Building Maintenance be extended for an additional year at the same cost. Concern was raised regarding the amount of time the janitors spend in the loading bay which is a shared area. Previous practice was to have a commercial janitor from the commercial section clean the area at night with a residential janitor cleaning it during the day. We have been advised that the janitor feels he is no longer responsible for this area. This amounts to 1½ hours a day with no remuneration from the commercial section. This matter will be referred to the Joint Council for discussion to ensure costs are equitable.

**p) Security Update** - The council was presented with a letter to go to all owners regarding FOB recertification. Starting July 1<sup>st</sup>, 2008, we will commence with recertifying the FOBs on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Floor.

#### The following documents were presented to council.

1. Building Guidelines
2. Landlord Guidelines
3. Move in procedures and forms
4. FOB reactivation letter

It was moved, seconded and carried to implement these procedures.

### 6. Correspondence

**a)** A letter was received regarding the lack of response by management during an emergency. While the letter does contain some inaccurate information, it does draw attention to a weakness in the emergency system. Facilitech advises that a new 1-800 number will be implemented to prevent the possibility of any missed calls. A response will be sent to the owner.

**b) Renovation** - An owner presented a letter regarding renovations. The council had no objections to the renovations proposed, due to the fact that the unit was being installed to its original configuration.

**c) Pets** - An owner has been reported as having a cat in their suite and they have been asked to remove the cat and advised they may be fined every seven days if this does not occur.

**d)** An owner tripped on one of the elevators and has sent a claim in to the Strata. This has been passed on to our insurance company.



## Guidelines

We are attaching various documents that are being sent to owners

## FOB Recertification

Will start immediately on Floors No.3, 4, and 5

## Form K

If you are a landlord, please ensure you have a Form K on file for each of your tenants

7.

### New Business

Secure Bicycle Parking. A question was raised regarding secure bicycle parking. This will be reviewed and discussed at the next meeting.

8.

### Adjournment

It was moved, seconded and carried to adjourn the meeting at 10:55 p.m.

9.

### Next Meeting

The next meeting is scheduled for July 3, 2008 in the Electra Boardroom beginning at 6:30 p.m.

