

ANNUAL GENERAL MEETING MINUTES**WEDNESDAY, MARCH 21, 2012****SOUTHWYND – LMS 1107****LOCATION:**

6:30 PM – Clubhouse
1705-1785 Martin Drive
Surrey, B.C.

SOUTHWYND WEB SITE

www.southwynd.ca

CONTACT COUNCIL

council@southwynd.ca

**STRATA COUNCIL
2011/2012**

PRESIDENT

Gary Greer - #107C

VICE-PRESIDENT

Ted Stennett - #202E

**TREASURER – PRIVACY OFFICER
SECRETARY**

Mary Dypchey - #207C

FINANCE/LANDSCAPING

Hank Lageweg - #107D

SECURITY AND SAFETY

Doug McCabe - #401C

CORPORATE SERVICES

Al Schindel - #204C

BUILDINGS & WORKS

Gary Myers - 105C

STRATA MANAGERS

Ross Ruddick
Gerry Blanchard

RESIDENT MANAGER

Florian Mitoi
(604)760-5743

CROSSROADS MANAGEMENT LTD.

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SURREY, B.C. V3W 1J8
Phone: (778) 578-4445
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**EMERGENCY CONTACT
24 HOUR SERVICE**

Call (778) 578-4445
Go to Local 223, and
then press "7"

ATTENDANCE:

- 85 Owners registered in person
- 35 Owners registered and represented by proxy

(1) CALL TO ORDER

Gary Greer, President, called the meeting to order at 6:30 PM.

(2) CALLING THE ROLL/CERTIFICATION OF PROXIES

Prior to the start of this evening's meeting, the roll was called by the Strata Manager, in accordance with the requirements of the Strata Property Act, and certified all proxies. Also required by the Act is that a quorum of one-third of the Owners in good standing be present in person or by proxy, in order for the meeting to proceed. There were 120 Owners eligible. Therefore, a quorum of more than 59 Owners were present and the meeting could proceed with the business at hand. There were 85 Owners represented in person and 35 via proxy for a total of 120 Owners.

(3) PROOF OF NOTICE/WAIVER OF NOTICE

The Strata Manager advised the Owners that it is required by the Strata Property Act that appropriate notice be given to all Owners either by mail or hand-delivered to their last-known address. In the case of Southwynd, notices were hand-delivered or mailed to all registered Owners on March 2, 2012 which was 20 days prior to the meeting. It was **MOVED** – 107B and **SECONDED** – 102B that adequate notice was given for this evening's meeting. **CARRIED**

(4) APPROVE THE AGENDA

It was **MOVED** – 102A and **SECONDED** – 107B to approve the agenda as circulated. **CARRIED**

(5) ADOPTION OF AGM MINUTES OF March 23, 2011

It was **MOVED** – 102A and **SECONDED** - 204C to adopt the minutes of the March 23, 2011 AGM as circulated. **CARRIED**

(6) UNFINISHED BUSINESS

There was no unfinished business to discuss.

(7) PRESIDENT'S REPORT

President Gary Greer gave an oral report on the activities of council in the last year noting what had been accomplished by the strata corporation. He thanked his council colleagues for their hard work and commended the many volunteers who also help out.

(8) RATIFICATION OF RULES PASSED BY COUNCIL DURING THE YEAR (50%+1)

New Clubhouse Rule IV (9)

- All owners wishing to book the Clubhouse for a private function must complete and sign a clubhouse application form and agree to abide by the clubhouse Rules and Policies

Conduct of residents IX

- The Strata Corporation, acting through the strata council, will engage the services of various contractors including a resident manager, a strata manager and qualified trades people.

It is not acceptable to use foul, abusive or demeaning language or to threaten, intimidate or interfere with these individuals in the performance of their duties.

The strata corporation employees and contractors will be expected and contractually required to govern themselves with the same level of respect as required of the residents. Communications that are critical of an employee or contractor are not to be directed at those individuals but instead sent to council or the Strata Manager who will decide upon the appropriate action and response.

Notice Boards -VIII

- The Notice Boards in Buildings A, B, C, D, E are for Council use only and they must not be used by owners, occupants, tenants or visitors unless prior council permission in writing has been obtained.

The Notice Board in the Clubhouse can be used by residents for items of general interest and items for sale. Notices must be dated and may remain for one week.

It was **MOVED** – 311E and **SECONDED** – 406B to ratify these three rules passed by council. **CARRIED**

(9) REPORT ON INSURANCE

The strata manager provided a report on the insurance coverage for the strata corporation and noted that the insurance declaration sheet was contained in the AGM package. Ross Ruddick informed the Owners of details of the Strata Corporation's insurance policy. The new policy will be entered into on April 1, 2012 for 12 months. Details of the current policy are as follows:

Property value -	\$ 53,611,000 (53,053,200 last year)	<u>Deductibles:</u>
		Water - \$ 5,000
Liability coverage -	10,000,000	Flood - 10,000
Directors and Officers -	2,000,000	Glass - 100
		Earthquake – 10%

It was noted that the insurance premium had gone up because of a number of factors including the increased appraisal value, the increase in fire and water damage claims in strata corporations and the overall increases in insurance claims world-wide as insurance is a global market. The strata manager did note that the policy has been enhanced by the guaranteed replacement clause and by the inclusion of one deductible free claim up to the value of \$5,000.00.

The strata corporation is fully insured against all perils as required by the Strata Property Act and the declaration sheet shows the various deductibles. The strata manager emphasized the importance of all owners also having their own content policy to cover any "betterments" as well as to have coverage should a strata insurance deductible be passed on to them. He provided recent examples of owners in other strata corporations not having a content policy and the significant financial losses for not doing so. The strata manager invited any owner to review their policy with him at any time. The strata manager is generally in attendance at Southwynd on Thursday mornings for either a scheduled council meeting (from 9:00 AM to 11:00 AM) or an informal council review session (from 8:00 AM to 9:30 AM) and this would be a good time to present your policy to him either before or after the meetings. Please contact Ross Ruddick if you wish to do this and he will coordinate a suitable time. It was **MOVED – 207C** and **SECONDED – 202E** to receive and accept this report on insurance. **CARRIED**

(10) APPROVAL OF THE 2012/2013 OPERATING BUDGET (50%+1)

The Treasurer, Mary Dypchey, reviewed the fiscal year just passed and noted that there is expectation of a surplus when the year-end financials are finalized. A recommendation will be taken to the incoming council to vote this surplus to the Contingency Reserve Fund. There were a number of unapproved expenditures during the year which included the BC Hydro rebate eligible lighting retro-fit, higher than expected fire inspection costs due to a large number of fire extinguishers and light pack batteries needing replacement and more exterior patio repair work. Combined, these expenditures are within the over-expenditure allowance permitted in the bylaws. The Treasurer then reviewed the proposed 2012/2013 budget and noted that there is no increase in maintenance fees. It was **MOVED – 207C** and **SECONDED – 107C** to approve the budget as presented. **CARRIED**

The payment of your monthly Strata fees can be made in the following ways:

1. Automatic withdrawal from an Owner's account by completing a Personally Approved Payment agreement and forwarding a "Void" cheque for that account.
If an Owner is already on this system, no further action is required.
1. Post-dated cheques, whereby an Owner supplies Crossroads with 12, post-dated cheques dated the first of each month, commencing April 1, 2012, payable to **Strata Plan LMS 1107 – Unit #_____**. Cheques may be left in mailbox in the clubhouse for pick-up.

The schedule of strata fees has not been included with these minutes as this year there is no change in your strata fees. If you would like a copy, call Ingrid, our receptionist and she will mail or email you a copy.

(11) ELECTION OF STRATA COUNCIL-RATIFY FOUR MEMBERS ELECTED IN 2011

Council members Mary Dypchey, Gary Greer, Doug McCabe and Al Schindel were elected to two year terms in 2011 but, in order to serve their second year, need a ratification vote (50% + 1) of the owners to continue. An owner requested that individual votes be held but a clear majority of the owners assembled preferred one vote for the group and it was **MOVED – 303C** and **SECONDED – 107B** to ratify the second year of these four council members. **CARRIED**

(12) ELECTION OF STRATA COUNCIL-ELECT THREE MEMBERS FOR TWO YEARS

Current council members Hank Legeweg, Gary Myers and Ted Stennett all indicated that they would stand for election to council and there were three calls made for other nominations from the floor but none were made. In order to be elected to council a candidate must receive 50% + 1 of the votes cast as a minimum majority. Separate votes, by a show of voting cards, were held for each candidate and all received well above the 50% + 1 threshold and they were declared elected to a two year term.

(13) CONSIDERATION OF ¾ VOTE "A" (Special Resolution "A")

Be it resolved by a ¾ vote of the owners of LMS 1107 to spend up to \$10,000.00 from the Contingency Reserve Fund to have the electrical transformer vaults cleaned and to have some noise isolation pads installed on the sub-panels.

It was **MOVED** – 107E and **SECONDED** – 207C to approve this resolution. Short discussion took place and it was asked how long the power would be out for this project. It was noted that this will cut off power for much of one day (turn off your refrigerator's in-door ice maker) but lots of notice would be given. The question was called and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(14) CONSIDERATION OF ¾ VOTE "B" (Special Resolution "B")

Be it resolved by a ¾ vote of the owners of LMS 1107 to spend up to \$12,000.00 from the Contingency Reserve Fund to replace awnings, on a priority need basis with the new, more durable material.

It was **MOVED** – 202E and **SECONDED** – 107E to approve this resolution. Short discussion took place and it was asked why this should be considered a CRF expenditure. It was noted that, although it has been on previous AGM agendas, it is not considered an annual expense and is intermittent and less than annual. The question was called and the vote was taken:

110 In favour 10 opposed 0 abstained

CARRIED

(15) CONSIDERATION OF ¾ VOTE "C" (Special Resolution "C")

Be it resolved by a ¾ vote of the owners of LMS 1107 to spend up to \$15,000.00 from the Contingency Reserve Fund to have a professional firm prepared a comprehensive depreciation report and reserve fund study prior to the legislative deadline of December 13, 2013.

It was **MOVED** – 207C and **SECONDED** – 102B to approve this resolution. It was then **MOVED** – 109E and **SECONDED** – 306A to amend the resolution to increase the amount to \$16,000.00. The Chair ruled that this would be an acceptable amendment in that it did not substantially alter the intent of the original resolution. After short discussion the amendment was carried by a clear ¾ majority and the question was then called on the amended motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(16) CONSIDERATION OF ¾ VOTE “D” (Special Resolution “D”)

Be it resolved by a ¾ vote of the owners of LMS 1107 to amend the following three bylaws to now read:

Bylaw amendment 1 (2) – Proposed new wording

- 1 (2) *If an owner is late in paying his or her strata fees, Council may make an administrative charge of Twenty-five dollars (\$25.00) on the late payment. If the late payment continues to be in arrears after 30 days, an additional administrative charge of Twenty-five dollars (\$25.00) may be assessed. If the contravention continues beyond 30 days, the provisions of bylaw 47 may be applied by Council.*

Bylaw amendment 1 (3) – Proposed new wording

- 1 (3) *If an owner is late in paying any special levy, the owner must pay to the Strata Corporation interest on the late payment in the amount of 10% per annum, compounded annually and calculated on a monthly basis commencing from the date the payment was due and continuing until the last day of the month in which it is paid. If the contravention continues beyond 30 days, the provisions of bylaw 47 may be applied by Council instead of interest.*

Bylaw amendment 1 (4) – Proposed new wording

- 1 (4) *When an owner is delinquent in paying either strata fees or a special levy Council may register a lien against the strata lot for the full amount owing plus all legal and other costs incurred by Council in collecting the said fees or special levy.*

It was **MOVED** – 202E and **SECONDED** – 107E to approve this resolution. After short discussion, the question was then called on the motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(17) CONSIDERATION OF ¾ VOTE “E”(Special Resolution “E”)

Be it resolved by a ¾ vote of the owners of LMS 1107 to amend the following bylaw to now read:

Bylaw amendment 3 (6) (n) – Proposed new wording

- 3 (6) (n) *hang any bird feeders(except hanging hummingbird feeders), install any bird baths, feed pigeons, gulls or other birds, squirrels, rodents or other animals from a strata lot or anywhere on or in close proximity to the common property or any limited common property,*

It was **MOVED** – 202E and **SECONDED** – 311E to approve this resolution. After short discussion, the question was then called on the motion and the vote was taken:

108 In favour 12 Opposed 0 abstained

CARRIED

(18) CONSIDERATION OF ¾ VOTE “F” (Special Resolution “F”)

Be it resolved by a ¾ vote of the owners of LMS 1107 to introduce the following new bylaw to read:

New Bylaw 7(4) – Proposed Language:

7 (4) Owners may apply to council to request permission to install window film on any or all exterior windows and patio doors provided that the following guidelines are followed:

- (a) The material is to be 3M or FFI or proven equivalent.*
- (b) The colour of the material is to be the grey shade with a tint level of 35.*
- (c) The film is to be professionally installed and to be free of bubbles or wrinkles.*
- (d) Owners installing such window film will sign a letter of undertaking, on behalf of themselves and all future owners of the suite, that they will be accepting all responsibility for the failure of window seals.*

It was **MOVED** – 202E and **SECONDED** – 311E to approve this resolution. After short discussion, the question was then called on the motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(19) CONSIDERATION OF ¾ VOTE “G” (Special Resolution “G”)

Be it resolved by a ¾ vote of the owners of LMS 1107 to amend the following bylaws to now read:

Bylaw amendment 16 (1) – Proposed new wording

16 (1) When a Council vacancy occurs during a term, a replacement Council member may be appointed by Council from among persons eligible to sit on Council and that member may serve on Council until an election is held at the first Annual General Meeting following the appointment.

Bylaw amendment 16 (2) – Proposed new wording

16 (2) Notwithstanding bylaw 18 (1) Council may appoint a Council member even if the absence of the member being replaced leaves the Council without a quorum.

It was **MOVED** – 202E and **SECONDED** – 107B to approve this resolution. It was then **MOVED** – 109E and **SECONDED** – 201C to amend this resolution to read:

16 (1) When a Council vacancy occurs during a term, a replacement Council member shall be appointed (unless there are three months or less remaining in the term in which case the appointment would be optional) by Council from among persons eligible to sit on Council and that member may serve on Council until an election is held at the first Annual General Meeting following the appointment.

After discussion, the question was then called on the motion to amend and the vote was taken:

61 In favour 51 opposed 8 abstained

DEFEATED

After discussion, the question was then called on the original motion and the vote was taken:

89 In favour 19 opposed 12 abstained

CARRIED

(20) CONSIDERATION of 3 / 4 VOTE "H" (Special Resolution "H")

Be it resolved by a $\frac{3}{4}$ vote of the owners of LMS 1107 to amend the following bylaw to now read:

Bylaw amendment 18 (5) – Proposed new wording

18 (5) Council should meet at least once in each calendar month, the date and times to be determined by the Council.

It was **MOVED** – 202E and **SECONDED** – 107E to approve this resolution. After discussion, the question was then called on the motion and the vote was taken:

83 In favour 23 opposed 14 abstained

CARRIED

(21) CONSIDERATION of 3 / 4 VOTE "I" (Special Resolution "I")

Be it resolved by a $\frac{3}{4}$ vote of the owners of LMS 1107 to amend the following bylaws to now read as worded or to introduce new subsections or to re-number for housekeeping purposes:

Bylaw amendment 25 (2) – Proposed new wording

*25 (2) Subject to subsection (3), Council may:
(a) delegate some or all of its powers and duties to one or more Council members, and specified powers and duties to a person who is not a member of Council.*

And add a new sub-section 25 (4)

25 (4) At their discretion Council may revoke any or all delegations made under sub-sec's (2) & (3).

Renumber 25 (4) to 25 (5) with no change in wording or intent

Bylaw amendment 31 (3) – Proposed new wording

31 (3) When a precise count is requested, the outcome of each vote, including the number of votes for and against the resolution, must be announced by the chair and recorded in the minutes of the meeting.

Bylaw amendment 34 (6) – Proposed new wording

34 (6) An owner who rents or sublets a strata lot contrary to this bylaw shall be subject to a fine of Five Hundred dollars (\$500.00). If the contravention continues, provisions of bylaw (47) shall be applied.

It was **MOVED** – 202E and **SECONDED** – 204C to approve this resolution. After discussion, the question was then called on the motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(22) CONSIDERATION of 3 / 4 VOTE "J" (Special Resolution "J")

Be it resolved by a $\frac{3}{4}$ vote of the owners of LMS 1107 to delete, renumber or introduce two new bylaws as noted below:

Delete the following Bylaw

- 40 (7) Solicitation is not permitted anywhere in or about the property for any cause, except as required by the Election Act (Canada) and similar provincial legislation.

And then, for housekeeping purposes, re-number the following two Bylaws:

- 40 (7) Garage door openers are not to be left in owners' vehicles. Owners who do so will be responsible for the costs associated with changing the security codes in the event of a theft of their door opener.
- 40 (8) When entering or leaving the underground parking area Owners, occupants, tenants and visitors must stop to wait for the gate to the underground parking to close prior to continuing.

New Bylaw 41(2) – Proposed Language:

Solicitation for any commercial enterprise or any social, religious or other cause, whether in person or by flyer or publication is not permitted anywhere on the property except as required by Federal or provincial statutes for elections, initiatives or referendums. This by-law does not apply to community publications which are permitted to be left in the foyer of each building.

Bylaw amendment 41 (1) – Proposed new wording

44. (1) *Except for emergencies, all communications, applications or complaints must be made in writing and placed in the Council mailbox in the clubhouse or submitted by e-mail to council@southwynd.ca or by leaving it with a council member at least 10 days prior to the Council meeting at which Council's consideration is required.*

It was **MOVED** – 202E and **SECONDED** – 105C to approve this resolution. After discussion, the question was then called on the motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(23) CONSIDERATION of 3 / 4 VOTE "K" (Special Resolution "K")

Be it resolved by a $\frac{3}{4}$ vote of the owners of LMS 1107 to incorporate all bylaw amendments passed at the 2012 Annual General Meeting along with any bylaw amendments passed (and not subsequently amended or deleted) at any earlier Annual General Meeting into one consolidated set of bylaws and to repeal and rescind any previous set of bylaws and to re-number as necessary and then file this new consolidated set with the Land Titles Office in New Westminster, BC.

It was **MOVED** – 202E and **SECONDED** – 207C to approve this resolution. After discussion, the question was then called on the motion and the vote was taken:

118 In favour 2 opposed 0 abstained

CARRIED

(24) VOLUNTEER AWARD

At this point in the meeting Al Schindel, had the pleasure of presenting the Harry Graff/Harold MacLean Volunteer award for the past year. This year's award goes to two deserving Southwynd residents, Lois Johnson who has provided great service to the strata corporation for maintaining a very comprehensive and well organized book lending library and to Ted Stennett for his hard work (this year and in past years) for chairing the bylaw committee. The assembled owners gave Lois and Ted a well deserved round of applause.

(25) DISCUSSION/NEW BUSINESS

Owners were invited by the Chair to bring up any new business or concerns as this section of the meeting is for them.

There was discussion about activation of the committee system as was brought up under New Business at the 2011 AGM. The council President did note the re-activation of the Bylaw Committee and a Social Committee but indicated the incoming council will look at additional committees.

One owner raised the concern that the buildings need some exterior washing and the council noted that a contract has been issued to scrub the tile roof on the clubhouse and, based on those results, the rest of the building tile roofs will be looked at as well. The council will also solicit quotations for general building washing as needed.

Discussion was started about the need for bulletin boards that are dedicated to owners' use. It was **MOVED** 109E and **SECONDED** 201C to direct the incoming council to pass a new rule to read:

Bulletin boards, installed in the lower levels of the buildings, are for the use of owners to post items of general interest to other owners, items for sale, notices of events or parties or other items that are not political, religious or controversial. Notices, other than news clippings, are to be put on paper not to exceed 8.5" X 11" and are to be dated. Notices will be permitted to remain for two weeks.

After discussion the question was called and, by a show of voting cards, the motion was **CARRIED**.

This rule will be presented to the incoming council to pass and then, as required by the Strata Property Act, will be brought back to the owners at the next General Meeting for ratification.

(26) TERMINATION OF MEETING

Upon a motion from 107B the meeting was terminated at 8:45 PM.