

# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Thursday, September 1, 2005, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President)	Unit #401
Carole Holmes		Unit #305
June Rubenok		Unit #304
Hafiz Thobani		Commercial Owner Units #1050, #1055, #1060

**REGRETS:** Juan Lopez (Treasurer) Unit #407

**STRATA AGENT:** Gerry Fanaken, Vancouver Condominium Services Ltd. (“VCS”)  
Angelo Stradiotto, Vancouver Condominium Services Ltd. (“VCS”)

The meeting was called to order at 6:35 p.m.

NOTE: Because Messrs. Thobani and Fanaken were unable to participate in the meeting past 8:30 p.m., and because of an owner’s request for a hearing with the strata council, the strata council agreed to resequence the meeting agenda. Nevertheless, the agenda items reflected in these minutes have been reported in agenda sequence for readers’ convenience and to preserve consistency with previous sets of minutes. Messrs. Thobani and Fanaken were in attendance only for the discussion of Items 1, 2, 3(a), 3(b), 3(c), 3(d), 4(k), 4(m), 4(p), and 8(b) below.

### 1. **GUEST**

A commercial owner attended the strata council meeting to obtain information from the strata council regarding the permitted uses of his commercial strata lot. At the end of the current commercial tenancy in the strata lot, the owner wishes to enter into a residential tenancy for the strata lot. The owner has made inquiries at the City of Vancouver (the “City”) to determine whether this would be permissible, but to date the owner has not obtained an informative response from the City. The owner asked the strata council for any guidance it could offer. The strata council members indicated that they did not know much more than the owner on this issue. Mr. Gunn undertook to review the available strata corporation records for relevant information. The strata council understood that, at the time of the building’s conversion to mixed residential/commercial use, the City of Vancouver insisted that one strata lot on one of the residential floors be zoned for commercial use in order not to exceed the maximum floor space ratio (“FSR”) for the building. The strata council encouraged the owner to continue with his inquiries at the City. The owner thanked the strata council for its assistance and departed at 6:45 p.m.

## 2. MINUTES

In respect of the minutes of the strata council meeting held on August 4, 2005, it was moved, second, and carried to amend item 7(d) ("New business: Legal Action to Recover Unpaid Fines") by adding the sentence: "As the law firm of strata council member Angus Gunn will likely be asked to assist without fee in respect of this claim, pursuant to section 32 of the Act Mr. Gunn abstained from the vote in case his participation in it could be perceived as giving rise to a conflict of interest." It was moved, seconded, and carried to adopt the minutes of the strata council meeting held on August 4, 2005, as amended.

## 3. FINANCIAL REPORT

- (a) July 2005 Financial Statements: In the absence of the council Treasurer, Mr. Lopez, the strata council deferred approval of the July 2005 financial statements. VCS distributed the August 2005 financial statements for strata council review.

Any owner wishing to obtain a copy of the strata corporation's financial statements should contact VCS during regular business hours, 9:00 a.m. to 4:30 p.m., Monday to Friday.

- (b) Arrears: VCS advised that strata fee payments remained considerably in arrears with one residential owner, and that the owner has not responded to warnings of impending lien. The strata council instructed VCS to proceed with filing a lien, the cost of which (\$350.00) will be charged back to the owner in question.
- (c) Commercial Settlements: Mr. Gunn reported that progress on this issue had been impeded by an inability to obtain cooperation from two former commercial tenants in the building. Mr. Gunn recommended that a resolution be put forward at the 2005 Annual General Meeting to permit the strata corporation to move beyond this impasse and to complete settlement agreements with the remaining commercial owners and tenants. The strata council agreed that a suitable resolution in this regard should be presented to the owners at the 2005 Annual General Meeting.
- (d) 2005-2006 Fiscal Year Budget: The strata corporation's fiscal year commences on September 1, 2005. Mr. Hale presented three budget proposals for the 2005-2006 fiscal year. Although the proposals offered varying levels of spending, each would require an increase in strata fees. The proposals were discussed at length, including exploration of alternate ways to fund the various expenditures proposed for next year. The strata council agreed that, with minor changes, all three budgets should be presented to the owners at the 2005 Annual General Meeting and be circulated along with the Annual General Meeting notice. The owners will be asked to respond to the budget proposals at the 2005 Annual General Meeting and to vote accordingly.

The strata council also agreed that a resolution should be presented to the owners at the 2005 Annual General Meeting to confirm the strata corporation's authority to

make certain emergency security expenditures during the 2004-2005 fiscal year out of the residential portion of the strata corporation's contingency reserve fund.

#### 4. **OLD BUSINESS**

- (a) Contingency Reserve Fund ("CRF") Study: The final version of the CRF Study has been delivered by Halsall Associates Ltd. ("Halsall"). A short overview of Halsall's recommendations will be provided with the 2005 Annual General Meeting notice. Owners may obtain copies of the complete CRF Study from VCS upon request. Electronic copies are available free of charge and paper copies are available at owner expense.
- (b) Security Upgrade: Mr. Hale reported that further clarification has been obtained on the security recommendations prepared by the strata corporation's security consultant. Details and the likely cost of two proposed levels of security (to be labelled "A" and "B" in the 2005 Annual General Meeting notice) were made available to the strata council. The strata council agreed that these two levels of cost should be included in the "recommended" and "maximum" budget options to be presented at the 2005 Annual General Meeting.
- (c) Interior Upgrade: VCS advised the strata council that the repair and repainting work approved at the strata council meeting on August 4, 2005, will begin shortly, and will include painting of the building's Hamilton Street front door. After the door is painted it will need to remain open while the paint dries. The strata council will make arrangements to ensure the building's security at that time. The matter of replacement light fixtures will form part of the budget recommendations to owners at the 2005 Annual General Meeting.
- (d) Garbage – City of Vancouver Initiatives: Mr. Hale and Mr. Thobani reported that they had recently attended a Yaletown Business Improvement Association ("YBIA") meeting on this issue and that Mr. Hale had prepared and presented a proposal with respect to improving both the parking and garbage situation in the Yaletown Heritage District. Further progress on this issue is the responsibility of the YBIA and the City.

A strata council member also noted that EQ3 (a retail business on Hamilton Street opposite "The New Yorker") regularly causes large amounts of unsightly garbage. The strata council asked VCS to prepare and send a "good neighbour" letter to EQ3 asking that it install a lock on its dumpster.

- (e) Historic Yaletown District Residents Association: This item was again deferred until the strata council has time to make progress on it. The strata council feels that such an Association will become increasingly important as Yaletown's popularity increases. A residents' association could be instrumental in improving Yaletown as a place to live (garbage and parking are significant issues currently), in preventing crime (perhaps using shared security resources), and in representing residents'

concerns on various issues. The YBIA provides a platform for the expression of commercial interests in the Yaletown area but it does not represent the interests of Yaletown residents.

- (f) Archive of Records and Documentation: Mr. Gunn reported that his review continues of the strata corporation records obtained from Rancho Property Services (B.C.) Ltd. ("Rancho"). Relevant materials are being digitized for convenient and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- (g) Heritage Destination: This matter was deferred pending completion of the archiving and records review project (Item 4(f) above).
- (h) Policy Manual: This matter was deferred.
- (i) Fire Plan Binder: VCS reported that the fire plan binder has been completed and that a copy has been installed in a metal box located near the fire panel in the electrical utility room. A copy of the fire plan binder was loaned to Mr. Gunn for digitizing.

The fire plan binder includes general fire safety information for the benefit of all building residents. Attached to these minutes are copies of pages 14, 15, 33, 34, 58, 59, 60, and 61 from the fire plan binder. Please review the attached materials for your safety in the event of fire.

- (j) Roof Leak: At its meetings on July 13 and August 4, 2005, the strata council asked VCS to contact both Metro Roofing & Sheet Metal Ltd. and Nikls Property Services Ltd. ("Nikls") to obtain a written opinion as to the likely cause of a recent roof leak into a residential strata lot. VCS advised the strata council that it had contacted both vendors and that neither felt able to provide an opinion in this regard.
- (k) Heating, Air Conditioning & Plumbing Repair: VCS advised the strata council that the worn motor pulley has been replaced and that the intake screens on the building's heating, ventilation, and air conditioning ("HVAC") system have been cleaned.

The strata council next considered Latham's recommended repair to a leaking "T" junction in copper piping at the domestic hot water heaters. At its meeting on August 4, 2005, the strata council considered that this expenditure should be deferred until the next fiscal year. To effect this repair, Latham's has recommended a day-long shut off of the entire building's water supply. Although September 12, 2005, had been identified as a proposed shut-off date, the strata council considered that that date provided insufficient notice to the building's residents (especially the commercial residents). The strata council asked VCS to confirm with Latham's whether, in fact, a full seven-hour shutdown was required. VCS did so, and Latham's confirmed the need for a seven-hour shutdown. VCS recommended

exploring an alternative repair method that would not require interruption of the building's water supply. Because the leak is currently very minor and does not appear to pose a meaningful risk at the moment, the strata council asked VCS to investigate alternative repair options and to cancel any planned interruption of the building's water supply on September 12, 2005.

- (l) Bylaws: Mr. Gunn presented the strata council with draft proposed bylaw amendments. Most of the amendments are "clean-up" items to clarify existing bylaws. The strata council agreed to identify any necessary revisions to the draft amendments in the next few days, following which the amendments will be finalized and included in the 2005 Annual General Meeting notice.
- (m) Complaint In Respect of False Fire Alarm: The minutes of the strata council meeting on July 13, 2005, noted as Item 5(e) a complaint regarding a false fire alarm on July 1, 2005, as a result of suspected non-compliance by a commercial tenant with applicable licensing and code requirements. The minutes of the strata council meeting on August 4, 2005, noted as Item 3(n) that the strata council had asked VCS to write to the commercial tenant, copying the commercial owner, to demand once again that the strata corporation be provided with copies of all permits that have been issued to the commercial tenant for the operation of its business. VCS confirmed that it had reiterated that demand by letter dated August 18, 2005, and that it had still received no response from the commercial tenant in this regard. The strata council will continue its consideration of the complaint.

The commercial owner of the strata lot in question informed the strata council that the commercial tenant has installed ventilation devices that should help avoid further false alarms.

- (n) Annual Fire Test: VCS advised the strata council that Firetronic Systems Services Ltd. had now completed its testing of the fire safety devices in the five residential strata lots that did not previously provide access to the service technician during the scheduled annual fire system inspection. As a result, all fire safety devices in the building have now been tested.
- (o) Complaint and Fines: The minutes of the strata council meeting on August 4, 2005, noted as Item 3(p) the strata council's decision to remove a gate installed above a strata lot and to have the Main Roof Deck fence restored to its original condition at the expense of the owner of the strata lot in question. At its meeting on June 15, 2005, the strata council decided to remove a second gate installed in the Main Roof Deck fence at the same time. VCS advised the strata council that Nikls had now removed both of the unauthorized gates from the Main Roof Deck. The strata council asked VCS to have Nikls complete the work by restoring the Main Roof Deck fence to its original condition.
- (p) Possible Bylaw Contravention: As noted as Item 7(a) in the minutes of the strata council meeting on August 4, 2005, a commercial strata lot has installed an air conditioning unit without strata council approval. VCS advised the strata council

that it had met with the owner of the commercial strata lot in question, and that the owner professed ignorance of the bylaw that requires strata council approval before installation of an air conditioning unit. The strata council noted that it will consider the possible bylaw contravention if and when a formal complaint is received regarding this unauthorized installation.

## **5. CORRESPONDENCE**

*Owners are invited to write the strata council via the management company regarding any strata matters. Correspondence addressed to the strata corporation will be handled in accordance with the Strata Property Act and the strata corporation's privacy policy.*

- (a) 10 August 2005: Correspondence from a residential owner with respect to "The New Yorker" summer party.
- (b) 20 August 2005: Correspondence from a residential owner with respect to unpaid strata fees.
- (c) 22 August 2005: Correspondence from a residential owner with respect to unpaid strata fees.
- (d) 29 August 2005: Communication from a residential owner with respect to possible smell of natural gas on the building's third floor.

## **6. JANITORIAL REPORT**

The strata council reviewed the August 2005 report from Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy"). The strata council noted that some of the low-wattage elevator light bulbs have failed. VCS informed the strata council that it is becoming increasingly difficult and expensive to locate replacement bulbs for the dated light sockets currently installed in the building's elevator. The strata council asked VCS to arrange for Mott Electric Limited to replace all six of the elevator light fixtures.

## **7. MAINTENANCE SCHEDULE**

The pressure washing of the parking garage and sidewalk on the Hamilton Street side of the building has been completed.

The maintenance schedule for September requires awning cleaning to be done. VCS advised the strata council that Allstar Holdings Inc. will clean the awnings on both sides of the building on Monday, September 19, 2005, starting at 9:00 a.m. VCS confirmed that it will post notices before the work begins.

The strata council reiterated its request that VCS include on the building's maintenance schedule the names and contact information for approved vendors.

## **8. NEW BUSINESS**

- (a) 2005 Summer Deck Party: The strata council formally thanked Pauline Hale for all of her work in organizing the 2005 summer deck party for residents of "The New Yorker" on Wednesday, July 27, 2005. Once again Mrs. Hale went above and beyond any call of duty, and everyone who attended enjoyed themselves thoroughly.
- (b) False Fire Alarms: False fire alarms remain an ongoing source of concern in the building. The strata council asked VCS to obtain whatever information is available regarding the cause of two recent false fire alarms. VCS agreed to follow-up on this matter and to report to the strata council at its next meeting.
- (c) Six-Month Review of Alterations to Commercial Strata Lot: The minutes of the strata council meeting on February 3, 2005, note as Item 1 that the strata council had approved a commercial tenant's application to install an awning outside its commercial strata lot. The strata council approved the installation on terms and conditions that included a six-month probationary period to permit an evaluation of any concerns that may arise as a result of the installation. The strata council noted that more than six months had elapsed since the installation and that building residents have not raised any concerns regarding the installation. In light of that, the strata council affirmed the approval given to the awning at the strata council meeting on February 3, 2005.

There being no further business, the meeting was adjourned at 10:00 p.m. The next scheduled meeting of the strata council (whose members will be elected at the 2005 Annual General Meeting) will be on Thursday, October 6, 2005, at 6:30 p.m. The 2005 Annual General Meeting will be held on Thursday, September 29, 2005, in the lobby of "The New Yorker".

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# MINUTES OF ANNUAL GENERAL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Thursday, September 29, 2005, at 7:00 p.m. in the lobby of The New Yorker, 1066 Hamilton Street, Vancouver, B.C.

**PRESENT:** 20 Residential Owners were represented at the Annual General Meeting, either in person or by proxy (16 in person, 4 by proxy)

1 Commercial Owner of three commercial strata lots was represented at the Annual General Meeting in person and none by proxy

**STRATA AGENTS:** Gerry Fanaken, Vancouver Condominium Services Ltd. ("VCS")  
Angelo Stradiotto, Vancouver Condominium Services Ltd. ("VCS")

### 1. **CALL TO ORDER**

The meeting was called to order at 7:05 p.m.

### 2. **QUORUM REPORT**

Mr. Fanaken reported that a quorum was present, as set out above. Introductions were made and the meeting commenced.

### 3. **ELECTION OF CHAIR**

It was moved, seconded, and carried that Mr. Fanaken chair the Annual General Meeting.

### 4. **PROOF OF NOTICE OF MEETING**

It was moved, seconded, and carried to accept as proper the notice of meeting dated September 8, 2005, as presented.

### 5. **APPROVAL OF AGENDA**

It was moved, seconded, and carried to accept the agenda distributed with the Notice of Meeting.



## **6. MINUTES OF ANNUAL GENERAL MEETING ON OCTOBER 31, 2004**

It was moved, seconded, and carried to adopt the minutes of the Annual General Meeting on October 31, 2004, as circulated. There was no business arising.

## **7. UNFINISHED BUSINESS**

There was no unfinished business.

## **8. PRESIDENT'S REPORT**

The President's report was included in the notice of the Annual General Meeting. Mr. Hale spoke briefly to his report, following which it was moved, seconded, and carried to adopt the report as presented.

## **9. INSURANCE REPORT**

The insurance policy for Strata Corporation LMS-1490, as attached to the Notice of Meeting, was reviewed by the owners. It was moved, seconded, and carried to approve the insurance report and policy as circulated.

## **10. 2005/2006 BUDGET APPROVAL (YEAR END AUGUST 31, 2006)**

Mr. Fanaken presented the annual budget to the owners for their review and consideration. The strata council had prepared three budget options reflecting different levels of allocation for some expense categories – particularly the expenditures on security upgrades and the contribution levels to the building's contingency reserve fund ("CRF"). The "maximum budget" would require a strata fee increase of about 48 per cent. The "minimum budget" would require a strata fee increase of about 12 per cent. The "recommended" budget would require a strata fee increase of about 28 per cent.

A lengthy discussion ensued over the proposed budget options. Several owners expressed concern over the implications of strata fee increases. One expense category that attracted much comment was the building's management expense. All three budget options proposed to increase that expense from \$12,700 per annum (including GST) (in fiscal year 2004/2005) to \$17,000 per annum (including GST) (in fiscal year 2005/2006). Mr. Fanaken addressed many questions from the owners as to why VCS had proposed such a significant increase. He advised that the proposed fee reflected the workload that "The New Yorker" entails for VCS and he cited several specific factors. He acknowledged that other strata corporations of a similar size (including some managed by VCS) do not pay the same management fee. He noted, however, that the workload levels are significantly different. Mr. Fanaken confirmed that the owners are not locked into a contract with VCS and that, if the new strata council is able to locate an alternative management company with lower fees, VCS would step aside and would charge only the current management fee (\$1,100 per month plus GST) for the fiscal year commencing September 1, 2005, until the new management company was in place.

The owners also discussed the wisdom of building up the CRF to the levels suggested by the strata council. The strata council reminded the owners that at the Annual General Meeting on October 31, 2004, they had approved the development of a CRF study by Halsall Engineering ("Halsall"). That CRF Study had now been completed and had been available to all owners for review for some months. The strata council relied on the CRF Study's findings and recommendations in preparing the proposed budget for 2005/2006. The strata council recognized that the proposed CRF allocations were aggressive, but also noted that they were in fact lower than those recommended in the CRF Study itself. The strata council indicated that it felt obliged to present the owners with a realistic projection of the strata corporation's long-term funding requirements, and that it considered the "recommended" budget a good compromise of the competing considerations. The strata council also emphasized that ultimately it was up to the owners to decide whether or not they wished to accept the recommendations of the strata council and the CRF Study.

Mr. Fanaken noted that the minutes of the strata council meetings on August 4, and September 1, 2005, confirmed that electronic and paper copies of the CRF Study were available to the owners upon request. Mr. Fanaken advised that no owners had requested a copy of the CRF Study in advance of the Annual General Meeting.

Discussion also ensued regarding the proposed budget for interior repair and maintenance expenses (Line item 8250), which included a proposed expenditure of \$6,000 to replace interior light fixtures as the final stage of the interior upgrade project authorized at the Annual General Meeting on October 31, 2005. Several owners considered that that proposed expenditure should not be authorized in view of the more pressing budget funding requirements. It was moved, seconded, and carried (10 in favour, 7 opposed, 5 abstentions) to amend the "recommended" budget by reducing the allocation for line item 8250 from \$12,000 to \$6,000.

A motion was also made and seconded to amend the "recommended" budget by reducing the proposed budget for management fee expenses (Line item 7050) from \$17,000 to \$12,700 (being the budgeted management fee expense for the 2004/2005 fiscal year). Following further discussion and debate, a vote was taken resulting in no owners in favour, 16 opposed, and no indications of abstentions (23 owners had registered). The motion was declared defeated.

There being no further discussion or proposed amendments to the "recommended" budget, it was moved, seconded, and carried (15 in favour, 8 opposed, 0 abstentions) to approve the "recommended" budget, as amended (i.e., with the strata fees being reduced from \$159,693 to \$153,693).

## **11. 3/4 VOTE RESOLUTION #1**

The following  $\frac{3}{4}$  vote resolution was presented to the owners for their consideration:

### **3/4 VOTE RESOLUTION #1 BYLAW AMENDMENTS**

*Resolution of The Owners, Strata Plan LMS-1490 (the "Strata Corporation") to be considered, and if seen fit, passed by a 3/4 Vote of the residential strata lots and by a further 3/4 Vote of the commercial strata lots at the Annual General Meeting of the Strata Corporation to be held on September 29, 2005.*

**WHEREAS** the Strata Corporation conducts an annual review of its bylaws to consider appropriate revisions and additions.

**AND WHEREAS** the Strata Corporation considers it in the interests of the Strata Corporation that various revisions and additions be made to the Strata Corporation's bylaws.

**THEREFORE BE IT RESOLVED** by a 3/4 Vote of the residential strata lots and by a further 3/4 Vote of the commercial strata lots pursuant to subsection 128(1) of the Strata Property Act (British Columbia) that the bylaws of the Strata Corporation be and are hereby amended and restated (but not repealed) in accordance with the underlined wording in the attached Appendix "1" hereto.

An extensive package of proposed bylaw amendments was presented to the owners for their consideration. Appendix "1" to the Notice of Meeting included the text of all proposed amendments, with the proposed amended wording underlined. The text of the proposed amendments is appended to these minutes.

The owners were invited to raise questions, concerns, or disagreement with any of the proposed amendments, following which a vote would be taken in respect of the amendments as a whole. Discussion ensued in respect of the following proposed amendments:

- (a) Bylaw 18.2 Residential Rentals: Although the Notice of Meeting proposed no amendments to Bylaw 18.2, some owners expressed the view that there should be no residential rental restrictions in "The New Yorker". Following debate, it was moved, seconded, and defeated (8 in favour, 9 opposed, no indications of abstentions), to remove the existing Bylaw 18.2.
- (b) Bylaw 18.8(a) and 18.8(d) Residential Rentals: Some owners considered that once a residential owner has been granted permission to lease, then that permission ought not to expire when the lease first entered into terminates or after a five-year period. Following debate, it was moved, seconded, and carried to amend Appendix "1" by removing proposed subparagraphs 18.8 (a) and 18.8 (d) and by amending the concluding phrase to read "whichever date is earlier".
- (c) Bylaw 29 Damage to Property: Some owners considered it unnecessary to adopt a bylaw that limited the itemized claims against the strata corporation. Following debate, it was moved, seconded, and carried (unanimously) to amend Appendix "1" by removing proposed Bylaw 29 in its entirety and by renumbering all Bylaws 30 through 57.

Following these amendments to Appendix "1":

- (a) It was moved, seconded, and carried by more than 75% of the residential owners to adopt the amended 3/4 Vote Resolution #1 – Bylaw Amendments (unanimous).
- (b) It was moved, seconded, and carried by more than 75% of the commercial owners to adopt the amended 3/4 Vote Resolution #1 – Bylaw Amendments (unanimous).

## 12. 3/4 VOTE RESOLUTION #2

The following  $\frac{3}{4}$  vote resolution was presented to the owners for their consideration:

### **3/4 VOTE RESOLUTION #2 SETTLEMENT FUNDS FOR STRATA FEE ALLOCATION DISPUTE**

Resolution of The Owners, Strata Plan LMS-1490 (the "Strata Corporation") to be considered, and if seen fit, passed by a  $\frac{3}{4}$  Vote of the owners and a further  $\frac{3}{4}$  Vote of the residential owners at the Annual General Meeting of the Strata Corporation to be held on September 29, 2005.

**WHEREAS** the Strata Corporation, wishing to bring closure to any remaining claims regarding the manner in which strata fees have historically been allocated as between residential and commercial strata lots (the "Claims"), adopted  $\frac{3}{4}$  resolution #3 at the Annual General Meeting of the Strata Corporation held on October 31, 2004 (the "2004 Resolution").

**AND WHEREAS** the 2004 Resolution authorized the Strata Corporation to pay certain Settlement Funds to the owners of strata lots 4, 5, 6, 7, and 32 and their respective tenants (the "Remaining Claimants") within 10 days of the Strata Corporation receiving fully executed releases from each such owner and that owner's respective tenant.

**AND WHEREAS** the Strata Corporation considers that the tenants whose releases are required in connection with the 2004 Resolution are those whose period of tenancy included the time period relevant to the Claims, namely 1995 to 2003 (the "Relevant Time Period").

**AND WHEREAS** the tenants during the Relevant Time Period in respect of strata lots 5 and 6 are no longer the tenants of strata lots 5 and 6.

**AND WHEREAS** the Strata Corporation has been unable despite best efforts to obtain an executed release from the former tenant of strata lot 5.

**AND WHEREAS** the Strata Corporation does not anticipate being able to obtain an executed release from the former tenant of strata lot 6.

**AND WHEREAS** the Strata Corporation continues to consider it in the Strata Corporation's best interests to pay the Settlement Funds authorized by the 2004 Resolution to the Remaining Claimants within 10 days of the Strata Corporation receiving fully executed releases from the other Remaining Claimants.

**AND WHEREAS** none of the other Remaining Claimants has expressed an unwillingness to issue fully executed releases in exchange for payment of the Settlement Funds authorized by the 2004 Resolution.

**THEREFORE BE IT RESOLVED** by a  $\frac{3}{4}$  Vote of the owners and a further  $\frac{3}{4}$  Vote of the residential owners pursuant to subsection 169(2) of the Strata Property Act (British Columbia) that paragraph (c) of the 2004 Resolution be amended by substituting the underlined wording below as follows:

- (c) be authorized to pay the Settlement Funds to the Remaining Claimants by unit entitlement as follows:

- (i) \$381.10 to the owner of strata lot 4 within 10 days of the Strata Corporation receiving fully executed Releases from the owner of strata lot 4 and that owner's tenant;
- (ii) \$482.72 to the owner of strata lot 5 within 10 days of the Strata Corporation receiving a fully executed Release from the owner of strata lot 5;
- (iii) \$482.72 to the owner of strata lot 6 within 10 days of the Strata Corporation receiving a fully executed Release from the owner of strata lot 6;
- (iv) \$370.93 to the owner of strata lot 7 within 10 days of the Strata Corporation receiving fully executed Releases from the owner of strata lot 7 and that owner's tenant; and
- (v) \$782.53 to the owner of strata lot 32 within 10 days of the Strata Corporation receiving fully executed Releases from the owner of strata lot 32 and that owner's tenant.

Mr. Fanaken and Mr. Gunn briefly explained the background to this resolution, specifically citing the problem that had been encountered over the past year in obtaining the cooperation of some former tenants of commercial strata lots. Under the terms of the 2004 Resolution, the strata council was precluded from finalizing the settlements in this matter unless executed releases could be obtained from both the owner and tenant at the relevant time. In two instances, the tenant at the relevant time had since left. In those instances, the strata council had been unable to obtain the cooperation of the former tenant and thus had been unable to conclude the settlements. The strata council proposed to get around this hurdle in respect of those two strata lots by seeking authority to issue the settlement funds in respect of the two commercial strata lots in question without first obtaining an executed release from the former tenant. It was moved, seconded, and carried by a vote of the owners (23 in favour, zero opposed, zero abstentions) and carried by separate vote of the residential owners (20 in favour, zero opposed, zero abstentions) to approve 3/4 Vote Resolution #2 as presented.

### **13. 3/4 VOTE RESOLUTION #3**

The following 3/4 vote resolution was presented to the owners for their consideration:

#### **3/4 VOTE RESOLUTION #3 APPROVAL OF CONTINGENCY RESERVE FUND EXPENDITURES**

*Resolution of The Owners, Strata Plan LMS-1490 (the "Strata Corporation") to be considered, and if seen fit, passed by a 3/4 Vote of the owners and a further 3/4 Vote of the residential owners at the Annual General Meeting of the Strata Corporation to be held on September 29, 2005.*

**WHEREAS** the Strata Corporation suffered several break-ins, security breaches, and other criminal activities during the 2004-2005 fiscal year.

**AND WHEREAS** the Strata Corporation authorized expenditures totaling \$6,520 during the 2004-2005 fiscal year to ensure safety or prevent significant loss or damage to the Strata Corporation or its residents or both (the "2004-2005 Security Expenditures").

**AND WHEREAS** the Strata Corporation considers that subsection 98(3) of the Strata Property Act (British Columbia) permitted the Strata Corporation to make the 2004-2005 Security Expenditures out of the residential portion of the Strata Corporation's contingency reserve fund.

**AND WHEREAS** the Strata Corporation considers it prudent in the circumstances to seek the approval of the residential owners to having the 2004-2005 Security Expenditures made out of the residential portion of the Strata Corporation's contingency reserve fund.

**THEREFORE BE IT RESOLVED** by a 3/4 Vote of the owners and a further 3/4 Vote of the residential owners to confirm the Strata Corporation's authority to make the 2004-2005 Security Expenditures out of the residential portion of the Strata Corporation's contingency reserve fund.

Mr. Fanaken explained that the strata council had incurred unbudgeted expenses for security services as a consequence of a series of security breaches during the 2004/2005 fiscal year. The strata council had responded on an emergency basis to protect the interests of the residential owners and had authorized the above-noted expenses out of the residential portion of the strata corporation's CRF in accordance with subsection 98(3) of the Strata Property Act, R.S.B.C. 1996, c. 43. Out of an abundance of caution, the strata corporation wished to obtain the residential owners' approval of those expenditures.

It was moved, seconded, and carried by a vote of the owners (23 in favour, zero opposed, zero abstentions) and carried by separate vote of the residential owners (20 in favour, zero opposed, zero abstentions) to approve 3/4 Vote Resolution #3 as presented.

#### **14. NEW BUSINESS**

- (a) Interior Repairs & Maintenance (Budget Line item 8250): An owner enquired what projects would be affected in view of the amendment of the budget allocation of \$12,000 to \$6,000. The strata council responded that as a result of that amendment the interior lighting upgrade would not proceed at this time. As part of the interior upgrade authorized at the Annual General Meeting on October 31, 2004, carpets and painting had been completed. As part of that upgrade, the intention had been to replace the interior lighting fixtures. That portion of the interior upgrade will now be deferred.
- (b) Halsall Report: Mr. Fanaken indicated that electronic and paper copies of the CRF Study are available to the owners upon request. Electronic copies are available free of charge and paper copies are available at owner expense.
- (c) Internet Service: The strata council confirmed that digital subscriber line ("DSL") service is available for residents.
- (d) Dedication of Limited Common Property to Exclusive Use: A residential owner indicated that one or more owners may be interested in making a payment to the strata corporation's CRF in exchange for certain limited common property being dedicated to those owners' exclusive use. Mr. Fanaken indicated that the strata council had investigated that issue in some depth during the 2004/2005 fiscal year, that in light of the owner's inquiry it would be brought before the new strata council for any action it wished to take, and that at the moment there were no plans to move that issue forward.

- (e) Energy Costs: A residential owner suggested that, in view of increasing costs for gas and electricity, the strata council should investigate possible cost-cutting options in these utility services. The strata council agreed and invited owners to submit ideas.

## **15. ELECTION OF STRATA COUNCIL**

The members of the strata council for 2004/2005 automatically retired from their positions, pursuant to the Strata Property Act and Bylaw 35.1(b). The owners expressed their appreciation for a job well done by the outgoing strata council.

The following owners were nominated for council for 2005/2006:

- Julia Cottam (Residential: 308)
- Angus Gunn (Residential: 401)
- Stephen Hale (Residential: 405)
- Carole Holmes (Residential: 305) declined
- Juan Lopez (Residential: 407)
- Ron McFarland (Residential: 301) declined
- June Rubenok (Residential: 304)
- Haliz Thobani (Commercial: 1050, 1055, and 1060)

There being no further nominations, it was moved, seconded, and carried to cease nominations. The nominated owners who did not decline were declared elected by acclamation.

## **16. TERMINATION OF MEETING**

There being no further business, the Annual General Meeting was terminated at 9:10 p.m.

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# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, November 8, 2005, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President)	Unit #401
Juan Lopez	(Treasurer)	Unit #407
June Rubenok		Unit #304
Julia Cottam	(Secretary)	Unit #308
Hafiz Thobani		Commercial Owner Units #1050, #1055, #1060

**STRATA AGENT:** Gerry Fanaken, Vancouver Condominium Services Ltd. (“VCS”)

The meeting was called to order at 6:40 p.m.

### 1. ELECTION OF OFFICERS

The strata council elected the following officers from among its members:

President	Stephen Hale
Vice President	Angus Gunn
Treasurer	Juan Lopez
Secretary	Julia Cottam

### 2. MINUTES

- (a) It was moved, seconded and carried to adopt the minutes of the strata council meetings held on June 12, 2005, June 15, 2005 and June 16, 2005. These minutes have been circulated to all owners.
- (b) It was moved, seconded and carried to adopt the minutes of the strata council meeting held on September 1, 2005, as circulated.

### 3. FINANCIAL REPORT

- (a) September 2005 Financial Statement: The strata council Treasurer, Mr. Juan Lopez, advised that he had reviewed the September financial statement and found it to be in order. It was moved, seconded and carried to adopt the September financial statement as presented.



Any owner wishing to obtain a copy of the strata corporation's financial statements should contact VCS during regular business hours, 9:00 a.m. to 4:30 p.m., Monday to Friday.

- (b) October 2005 Financial Statement: VCS distributed the October 2005 financial statement and advised the strata council that the statement should be considered preliminary as further adjustments will be necessary. He invited the strata council to submit any suggestions or corrections at the earliest opportunity for inclusion in the revised statement.
- (c) Arrears: VCS advised that most owners are current with their strata fee payments. Several owners still owe the catch-up amounts for the months of September, October, and November, 2005. Statements will be mailed to these owners reminding them of the outstanding balances.

VCS reported that, in accordance with instructions received at the strata council meeting held on September 1, 2005, a lien has been filed on the title to one strata lot. Although correspondence continues to be sent to the owner, no response has been received to date.

- (d) Legal Action to Recover Unpaid Fines: As noted at item 7(d) of the minutes of the strata council meeting held on August 4, 2005, the previous strata council had resolved to commence a proceeding under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against certain former owners in respect of unpaid fines. The new strata council confirmed its intention to proceed in accordance with the prior authorization. Mr. Gunn indicated that proceedings would be commenced as quickly as possible.
- (e) Commercial Settlements: Pursuant to the  $\frac{3}{4}$  vote resolutions passed at the Annual General Meeting held on September 29, 2005, the strata council now hopes to be able to make the remaining settlement payments in respect of the remaining commercial strata lots and bring this matter to a conclusion in the near future.

#### **4. OLD BUSINESS**

- (a) Water Shut Down: In order to repair a minor leak above the domestic hot water heaters located in the parking garage sprinkler mechanical room, it will be necessary to shut down the water supply for the entire building including the commercial strata lots. Latham's had quoted \$955 plus GST to undertake this work during regular business hours or, alternatively, \$1,507 plus GST to have the job done on an overtime basis. A comparison quotation was received from Artisan Plumbing and Heating indicating that their overtime cost would be \$1,760 plus GST. The strata council concluded that having the work done on a Saturday, as proposed by Latham's and Artisan, would be of little value as many of the commercial

establishments are open on Saturday. Further, many residential owners would also be affected, probably more than during a weekday.

It was concluded that the best possible time to do this work would be late in the afternoon of a weekday (Tuesday, Wednesday or Thursday) and this would involve some overtime expenditure. It was suggested that this work be deferred to a date between January 15 and 31, 2006, to allow the commercial strata lots adequate time to plan ahead for the proposed shut down. Some residential owners have also expressed a desire to have water shut-off valves installed for individual residential strata lots while the water supply is shut down. Such an installation will allow water supply to be interrupted to individual strata lots without interrupting the building's water supply generally. The cost for installing such a valve will be borne by the owner of the strata lot in question. Owners interested in having such a valve installed should contact VCS as soon as possible.

The strata council directed the agent to make arrangements with Latham's, or an alternative contractor if Latham's is no longer the select contractor for The New Yorker as of January 1, 2006 [see New Business item #8(g)] and substantial advance notice will be distributed to all commercial strata lot owners as soon as possible.

- (b) Security Upgrade: The strata council noted that at the Annual General Meeting held on September 29, 2005, the owners approved a budget of \$14,000 for the security upgrade recommended by the strata council. Quotations are on file and will be reviewed by the strata council with a view to moving forward with this program early in the New Year. It was agreed that a sub-committee be formed in order to steer the program. Julia Cottam, Angus Gunn, and Stephen Hale agreed to serve from the strata council. The strata council welcomes other owners in the strata corporation who would like to volunteer their time to be on this committee.
- (c) Interior Upgrade: The strata council observed that the painting of the front door by Neighbourhood Painting was not done satisfactorily. VCS was instructed to contact the contractor and insist that the door be repainted properly. Further, it was noted that the fourth floor repainting has also not been done as promised by the contractor and this must be addressed.

At the Annual General Meeting held on September 29, 2005, the owners declined to authorize a top-up of additional funds to purchase new light fixtures in conjunction with the interior upgrade project. The strata council noted that \$8,600 remains available in the special levy budget for lighting. Since those moneys cannot be refunded except through a resolution passed at a special general meeting, and the cost for convening such a meeting would be prohibitive, the strata council resolved to see whether satisfactory light fixtures could be obtained within those budget constraints. Mr. Hale noted that at least one new fixture had come available that might be appropriate and within budget. The strata council agreed to

arrange the loan and installation of a sample fixture so that residents could express opinions on it. Mr. Hale agreed to organize this initiative.

The strata council noted that The Restoration Shop had satisfactorily repaired the wall damage caused by a break and enter in the Mainland Street entranceway. The patched area does, however, "stand out" and the strata council felt that it would be desirable to have the entire wall painted properly. VCS will obtain a quotation from The Restoration Shop to have the entire wall painted to eliminate any remaining sign of the break-in.

- (d) Garbage – City of Vancouver Initiatives: Mr. Hale reported that there is new momentum at the Yaletown Business Improvement Association ("YBIA") with respect to the proposed changes by the City of Vancouver for garbage services in the Yaletown area. He also reported that a letter is forthcoming from the City outlining various proposals that are under consideration.

Mr. Thobani advised that, by coincidence, he had met earlier in the day with an inspector from the City who was not satisfied with the current condition of the garbage container belonging to The New Yorker. The strata council directed VCS to contact the City representative in this matter.

Owners are reminded that The New Yorker garbage container is locked and, if any residents do not have keys for the lock, they should contact VCS to obtain a copy. The New Yorker's garbage container currently bears number 3-0211. It is important that the garbage container be kept locked at all times to prevent "foreign" garbage being dumped into the open container. It was noted that members of the strata council have had to lock the garbage container on several occasions recently.

- (e) Historic Yaletown District Residents Association ("HYDRA"): The strata council discussed the possibility of meeting with other residential strata corporation councils in the Historic Yaletown District, believed to be numbering about 10 buildings to discuss issues of mutual concern. VCS will attempt to locate the names of the strata council presidents of these strata corporations and Angus Gunn volunteered to coordinate a meeting.
- (f) Archive of Records and Documentation: Mr. Gunn reported that his review continues of the strata corporation records obtained from Rancho Property Services (B.C.) Ltd. ("Rancho"). Relevant materials are being digitized for convenient and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- (g) Heritage Designation: This matter was deferred pending completion of the archiving and records review project (Item 4(f) above).

- (h) Policy Manual/Welcome Package: It was agreed that a welcome package, including the recently revised bylaws of the strata corporation, be prepared for distribution to each new resident of The New Yorker. Julia Cottam volunteered to coordinate this program.
- (i) Roof Leak: VCS reported that a roof leak has been fixed. A report has not yet been received from Metro Roofing outlining the cause of the leak. VCS will follow up with Metro Roofing and provide details to the strata council at the earliest opportunity.
- (j) Bylaws: The strata council executed the requisite documentation for filing with the Land Title Office copies of the bylaw amendments adopted at the Annual General Meeting held on September 29, 2005. Any owner urgently requiring a copy of the bylaws should contact VCS. It was agreed that a copy will be circulated to all owners in the near future.
- (k) Complaint In Respect of False Fire Alarm: The minutes of the strata council meetings held on July 13, August 4, and September 1, 2005, record the strata council's progress to date in respect of this complaint. The strata corporation had now received correspondence from the City of Vancouver advising that the commercial tenant of the strata lot in question had until December 14, 2005, to comply with an order from the City regarding the installation of proper equipment. VCS was directed to send a warning letter to the commercial tenant pursuant to Bylaw 23.2.
- (l) Landscaping: VCS confirmed that a letter has been sent to Bloomsbury Patio Gardens & Outdoor Rooms advising that no further work is required at the property unless authorized in writing by VCS. Mr. Fanaken noted that he had spoken with the proprietor who advised that one last invoice has yet to be rendered for the fall clean-up, in the amount of approximately \$185 plus GST. It was agreed that this invoice be paid. No further invoices will be honoured unless authorized in advance. VCS will retrieve the common area key from Bloomsbury.
- (m) Complaint and Fines: The minutes of the strata council meetings on August 4 (Item 3(p)) and September 1 (Item 4(o)), 2005, record the strata council's progress to date in respect of a complaint regarding certain unauthorized alterations made by an owner to common property. Certain personal property remained left on common property. The strata corporation gave the owner of the strata lot in question an opportunity to claim any personal property that the owner wished to retain, and indicated that all other personal property would be treated as abandoned and removed from the common property at the expense of the owner in question. VCS had subsequently arranged for the remaining personal property to be removed at the expense of the owner in question.
- (n) Application for Change of Use of Commercial Strata Lot: Item 1 from the minutes of the strata council meeting held on September 1, 2005, recorded a commercial

owner's intention to apply to the City of Vancouver for permission to change the use of his strata lot from commercial to residential. The owner's application for change of use had been refused at first instance, and the owner has now filed an appeal with the City of Vancouver Board of Variance. The owner asked the strata council for its support in respect of his appeal. Since the City of Vancouver will be giving each owner an opportunity to express his or her position in respect of the owner's appeal, the strata council resolved to take no position in the matter but to encourage all owners to voice their positions to the Board of Variance.

## **5. CORRESPONDENCE**

*Owners are invited to write the strata council via the management company regarding any strata matters. Correspondence addressed to the strata corporation will be handled in accordance with the Strata Property Act and the strata corporation's privacy policy.*

- (a) 02 September 2005: Correspondence from an owner complaining about the unauthorized installation of an air conditioning unit by the tenant of a commercial strata lot. As noted in the minutes of the strata council meeting on September 1, 2005 (Item 4(p)), the commercial tenant did not obtain strata council approval before the installation. Although VCS has sent correspondence has been sent to the owner of the strata lot in question, no response has been received to date. The strata council asked VCS to give the owner and commercial tenant formal notice of the complaint and to give the owner and the tenant an opportunity to be heard in respect of the complaint before the strata council decides how to proceed in respect of it.
- (b) 02 October 2005: Correspondence from an owner on a variety of administrative strata corporation matters, all of which VCS has now addressed.
- (c) 06 October 2005: Correspondence from the City of Vancouver was tabled concerning an appeal to the Board of Variance in respect of a residential strata lot, seeking a minor relaxation of the building's floor space ratio.
- (d) 08 October 2005: Correspondence from and to the owner of a commercial strata lot regarding renovations contemplated by the owner's new commercial tenant.
- (e) 08 November 2005: Correspondence from an owner complaining about moves in and out of the building without prior notice to the strata corporation, without making appropriate arrangements in advance, and without paying the applicable user fee and move in/out fee. The strata council asked VCS to give the owner of the strata lot in question formal notice of the complaint and to give the owner an opportunity to be heard in respect of the complaint before the strata council decides how to proceed in respect of it.

- (f) 08 November 2005: Correspondence was received from an owner filing a formal complaint regarding another owner who has listed the strata lot for sale without giving notice to the strata corporation. Additionally, it would appear that renovations have taken place within the strata lot which were not approved by the strata council. A formal hearing notice will be sent to the owner.

## **6. JANITORIAL REPORT**

- (a) Mighty Tidy Report: The strata council reviewed the September and October 2005 reports from Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy"). The strata council expressed its appreciation to Mighty Tidy for the reports, which are very useful.
- (b) Ice and Snow Removal: Mighty Tidy is responsible for ice and snow removal. VCS noted that there may be times when Mighty Tidy is not available and, under these circumstances, alternate arrangements will have to be made with other service providers.

## **7. MAINTENANCE SCHEDULE**

- (a) Maintenance Schedule: The current maintenance schedule requires window cleaning and awning cleaning. It was agreed that the window cleaning should be deferred until the spring but the awning cleaning should proceed as scheduled. The strata council asked VCS to arrange with Allstar for this function.
- (b) Christmas Lights: The New Yorker's Christmas lights will be installed by Glenn Wilson, the handyman who did this work last year.

## **8. NEW BUSINESS**

- (a) 2005-2006 Fiscal Year Projects: The strata council reviewed an extensive report prepared by Stephen Hale on possible projects for 2006 which include the following:
- Security upgrade
  - General common area improvements
  - Web site
  - Near term Contingency Reserve Fund expenses
  - Fire exit deficiency
  - Energy consumption
  - General vision and direction of the strata corporation
  - Possible sale of certain limited common property
  - Possible cost savings through enhanced energy efficiency
  - The Historic Yaletown District Residents Association development.

Each of these items will be considered by the strata council during the current fiscal year. Mr. Lopez volunteered to begin development of a web site for The New Yorker.

- (b) Personal Property in Parking Garage: The strata council noted that some residents are leaving personal property in the parking area, contrary to bylaw 13.1, among others. The strata council requests all residents to ensure that all personal property is removed from the parking garage, failing which the strata council will arrange to have that property removed as abandoned.
- (c) Personal Property in Northeast Storage Room: The strata council noted that personal property has also been sitting for some months in the common portion of the storage room nearer the stairs leading to Mainland Street. The property includes photographs, crutches, and window screens. The owner of that personal property is asked to claim it by December 16, 2005, failing which the strata council will arrange to have that property removed as abandoned.
- (d) Additional Lighting and Electrical Outlets in Parking Garage and Storage Rooms: The strata council noted that lighting is poor in certain sections of the parking garage storage rooms. The strata council asked VCS to arrange for Nikls Property Services Ltd. to prepare a cost estimate to install additional lighting and electrical outlets.
- (e) RAV Line Yaletown Station: Mr. Gunn summarized various details regarding the implications of the RAV Line for the Yaletown neighbourhood. As matters stand, the RAV Line will include a Yaletown Station, an underground centre platform station located under Davie Street between Pacific Boulevard and Mainland Street. In that configuration, there will be a single entrance from Bill Curtis Plaza at the station's north end. Some Yaletown merchants and residents are urging that the station be located in the Roundhouse complex instead. Construction is slated to commence in mid-2006 and to complete in early 2009. Some interruptions of traffic will occur on Davie Street during certain periods of construction. Details have yet to be worked out.

A preliminary design consultation phase for RAV Line construction commenced in June 2005. That phase apparently concluded in August 2005, and Adobe Acrobat copies of the Preliminary Design Consultation Summary Report and related documents are on the web at <http://www.ravrapidtransit.com/en/reports.php>. The next phase, scheduled for the Fall of 2005, is a detailed design consultation phase. It will focus on station character and aesthetics, involving choices of construction materials, landscaping, and furniture, including features such as exterior lighting and bike racks.

The strata council will endeavour to keep residents of The New Yorker informed on RAV Line developments as they affect Yaletown, and updates will be provided in

meeting minutes. The RAV Project Office maintains a website (<http://www.ravrapidtransit.com>) and there is an e-mail subscription option for updates on the project.

- (f) Insurance Issues: VCS advised that the building's insurance policy has been renewed to October 20, 2006 at the most recent appraised value of \$4,265,000. The annual premium will be approximately \$17,000. This amount exceeds the 2005-2006 budget of \$16,000 for this line item.

Mr. Hale executed documentation required by the insurance brokerage in respect of the renewal.

- (g) Management Contract Addendum: The strata council executed an addendum to the agreement with VCS for the one-year term commencing September 1, 2005, at a fee of \$1,300 per month plus GST. The strata council also executed an addendum to the agreement with VCS in respect of real estate licensing fees at a cost of \$2.50 per strata lot for the two-year term 2006-2007.
- (h) Boiler Mechanical Contract: The contract with Latham's expires on December 31, 2005. Before the contract is renewed, VCS will obtain competitive quotations from other companies to ensure that the strata corporation achieves best value for money on this major cost centre.
- (i) Appreciation: The strata council extended its warm and sincere appreciation to former strata council member Carole Holmes for her years of service on the strata council.

There being no further business, the meeting was adjourned at 9:35 p.m. The next scheduled meeting is for Tuesday, December 6, 2005 at 6:30 p.m. It was agreed that future strata council meetings would be held on the first Tuesday of each month.

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## **VERY IMPORTANT NOTICE**

### **Regarding Your Payments**

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Effective January 1, 2006, *The Real Estate Service Act* is law and, among many other requirements, money belonging to your strata corporation must be segregated into different and distinct "bank" accounts. The independent accounts are for:

- Operating Fund
- Contingency Reserve Fund
- Special Levy Fund (there could be more than one at any given time)

The new law requires VCS as your management company to maintain these funds separately.

For you, as an owner, it means that you have to identify your payments, failing which VCS will not be able to process them. Note:

1. Your "regular" strata fee payments, whether paid by cheque, cash, automatic (PAC) deposit or internet banking will be deposited to the Operating Fund and Contingency Reserve Fund. The amount of your strata fee which includes the CRF portion is known and VCS will deposit your payment and transfer the appropriate amount to the CRF account.

This part is easy and we have been doing this since July 2000 when the *Strata Property Act* became law.

2. If your strata corporation passes a Special Levy (say for a new roof project), VCS will now have to open a new account (at a bank or credit union) to hold these monies. You will have to make separate cheques which we will deposit to the separate levy account, i.e., in this example, the Roof Fund. Please remember that cheques should always be made payable to your strata plan, not to VCS.
3. Now the hard part. Let's say that your account with your strata plan is in arrears. You owe any combination of strata fees, fines, interest, parking, special levy, etc. You have a balance owing of \$1,500 and you make a payment on your account of \$1,000. Hmmm. Where does that money go? If you identify your payment specifically, VCS will ensure that it goes into the appropriate "bank" account. If you do not identify it specifically, if you simply send in a "payment on account" of \$1,000 VCS will deposit the money as follows:

1. strata fees (including CRF)
2. special levies which take precedent over other charges
3. parking and other charges.

All this is quite complicated and we don't blame you if you become a bit confused but, unfortunately, we cannot do it any other way. The law requires that strata corporation money be segregated into different funds and accounts; therefore, VCS must do it.

#### The solution for you:

1. Always be current with your strata fees by:
  - Using the PAC method of payment
  - Using internet banking
  - Submitting post-dated cheques
2. If there is a special levy, issue separate post-dated cheques (payable to your strata plan and noting "special levy" on the memo line) which we can deposit directly into the separate fund. (If the levy is payable over 12 or more months, VCS can add it to your PAC plan if you use the PAC plan.)
3. Abide by your strata corporation's bylaws so that you do not get fined.

Thank you.

## WHAT YOU NEED TO KNOW ABOUT AN EARTHQUAKE

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1. You are on your own. Do not count on your strata council or management company for assistance.
2. There is not a supply of food, water, blankets or other survival provisions stored anywhere on the property. You are on your own.
3. If there is natural gas service to your strata corporation there is no plan for shutting off the gas supply.
4. There are no arrangements for alternate living quarters if you are unable to return to your strata lot. You are on your own.
5. Depending on the severity of the earthquake, you may not be able to telephone/email the management company for assistance.
6. The contents of your strata lot, your automobile(s) and other personal property are not insured by the strata corporation. If you have made improvements to your strata lot, such improvements or betterments are not insured by the strata corporation either.
7. The strata corporation is insured for earthquake damage; HOWEVER, there is a deductible which means that there is no coverage for damages within that deductible. Generally the deductible is 10% of the value of the strata corporation although in some instances (ie. Richmond) the deductible could be 15% or 20% of the value of the property. In most cases this will amount to millions of dollars. Your strata corporation does not have reserve funds available to meet such a huge deductible. Repairs will have to be funded by one or more special levies. These could be substantial.
8. There is NO government plan or fund to assist either you or your strata corporation. You are on your own.

While it would be nice to hear that there are plans and that there is a safety net, your strata council and VCS bring you the above information in an effort to alert you to the reality of an earthquake scenario. Accordingly, you need to develop your own personal plans for survival. Like many people, you will not be adequately prepared and that is "human nature". Please remember, however, that "You are on your own" is the only rule that counts.

For further information, visit the following websites:

Ministry of Energy & Mines (Gov. of BC)

<http://www.em.gov.bc.ca/Mining/Geosurv/Surficial/quake/>

Ministry of Public Safety & Solicitor General

[http://www.pep.bc.ca/hazard\\_preparedness/earthquake\\_preparedness.html](http://www.pep.bc.ca/hazard_preparedness/earthquake_preparedness.html)

City of Vancouver Emergency Preparedness

<http://www.city.vancouver.bc.ca/corpsvcs/emerg/prepyourself/earthquaketips.htm>

Neighbourhood Emergency Preparedness Program

<http://www.city.vancouver.bc.ca/corpsvcs/emerg/nepp/NEPPworkshops.htm>

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