

# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, January 3, 2006, 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
Julia Cottam	(Secretary)	Unit #308

**REGRETS:**

Hafiz Thobani	Commercial Owner
	Units #1050, #1055, #1060
June Rubenok	Unit #304

**STRATA AGENTS:** Gerry Fanaken, Vancouver Condominium Services Ltd. ("VCS")  
Angelo Stradiotto, Vancouver Condominium Services Ltd. (to 8:30 p.m.)

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

### 1. **MINUTES**

- (a) It was moved, seconded, and carried to adopt the minutes of the strata council meetings held on November 8, 2005. (For sake of economy, the strata council decided to cancel its scheduled meeting in December 2005.)

### 2. **FINANCIAL REPORT**

- (a) October & November 2005 Financial Statements: The strata council Treasurer, Mr. Juan Lopez, advised that he had reviewed the October and November 2005 financial statements and found them to be in order. It was moved, seconded and carried to adopt the October and November 2005 financial statements as presented.

The strata council asked VCS to provide further information with regard to photocopy costs. The strata council is considering the development of a website to post minutes and other documents, to improve communication and save photocopying costs. Please see *Old Business, Item (n)* below.

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 the strata council that one residential owner who is selling his strata lot shortly has now paid his quite significant arrears to December 31, 2005. His strata fees for January 2006 remain outstanding. Some other charges and fines will be added to the strata lot owner's account and will be collected at the time of sale of the strata lot.

Another residential owner whose account remains substantially in arrears has routinely been advised about the arrears but has not contacted VCS. A lien has been registered against title to the strata lot owner's property. The owner is making regular monthly payments, but has not settled the arrears. The strata corporation has now taken all action it can in this matter, except for forcing a sale of the strata lot in question. The strata corporation will continue to monitor this account.

- (c) Legal Action (Former Owner): As noted at Item 3(d) of the minutes in the strata council meeting held on November 8, 2005, the strata council has 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. Mr. Gunn advised that proceedings would be commenced shortly.
- (d) Commercial Settlements: Pursuant to the 3/4 vote resolutions passed at the Annual General Meeting held on September 29, 2005, the strata council continues to resolve the remaining settlement payments in respect of the remaining commercial strata lots. The strata council asked VCS to issue a letter to one of the commercial tenants to answer questions raised by the tenant and to obtain additional information necessary to include the settlement documents in respect of that tenant's strata lot. Upon receipt of further information, the settlement payment will be issued. Thereafter, the remaining strata lot settlements will be resolved.
- (e) Invoice: The strata council was in receipt of an invoice from Bloomsbury Patio Gardens & Outdoor Rooms ("Bloomsbury") in the amount of \$330.90 for services rendered on October 31, 2005. These services were not requested or authorized by either the strata council or by VCS. The strata council decided that, in those circumstances, the invoice would not be paid.

Upon inquiry as to how Bloomsbury gained access to common areas in the building without authorization by the strata council or VCS, Bloomsbury responded that it had been loaned a common area key by one of the residential owners in the building. Owners are reminded that the strata corporation is not responsible for the cost of work done without strata corporation approval. Residents are asked not to make their keys available to permit the provision of such unauthorized services. Further, all

residents are reminded of By 10.5, which confirms that each resident is responsible for the conduct of that resident's visitors. Where a resident makes a common area key available to a service provider for the provision of unauthorized services, and the service provider expects to be paid for those services, the strata council will refer the service provider to the resident who made his or her key available to the service provider.

### **3. OLD BUSINESS**

- (a) Boiler Mechanical Contract & Water Shut Down: The strata council was in receipt of quotations from three service providers for boiler mechanical service to the property, as well as a price comparison document prepared by VCS. The companies submitting proposals were Latham's (the incumbent), South Coast Mechanical and System Ex Mechanical. The contract with Latham's expired December 31, 2005. In the absence of council member Hafiz Thobani, a decision in this matter was deferred.

As noted in minutes of the strata council meeting held on November 8, 2005, a minor leak above the domestic hot water heaters in the mechanical room is to be repaired. The repair will require a complete shut down of the water supply for the entire building, including the commercial strata lots. Since a service provider has not yet been selected, it was agreed to defer choosing a date and a contractor for this function. When this shut down is undertaken, to date six residential strata lot owners have asked that individual shut-off valves for their respective strata lots be installed at the same time. The cost of those installations will be borne by the owners of the strata lots in question. If any other owners would like to avail themselves of this opportunity for this or other plumbing work, they should contact VCS to be added to the list.

- (b) Security Upgrade: Stephen Hale reported to the strata council that he has obtained a proposal from Gage-Babcock & Associates Ltd. for security consulting and engineering services related to the specifications for and selection of the building's new security system. The proposed contract cost is \$6,360 plus GST. The strata council discussed the proposal, which includes the selection of equipment, specifications, tender evaluations, project management, testing and other related issues. The strata council considered the contract to be sound in principle and within budget. It was moved, seconded, and carried to accept and formalize the contract proposal. Mr. Hale will make the necessary arrangements.
- (c) Interior Upgrade: VCS reported that Neighbourhood Painting had been contacted concerning the strata corporation's dissatisfaction with the paint work done on the building's Hamilton Street front door. The company has declined to accept responsibility to repaint the door. VCS advised that the invoice from Neighbourhood Painting for this work has not been paid. The strata council concurred with this

course of action. The strata council asked VCS to obtain a quotation from The Restoration Shop for repainting the front door, as well as touch-up painting in various other areas throughout the property.

With respect to the streaked appearance of the paint on the fourth floor, a letter was received from Benjamin Moore stating that the problem was not caused by the paint but rather as a result of a combination of angles and light factors. The strata council rejected the opinion offered by the paint manufacturer. The Restoration Shop will also be asked for a quotation to rectify the problem as well.

Mr. Hale advised the strata council that he may have been able to identify replacement light fixtures at a cost that can be accommodated within the existing interior upgrade budget. He indicated that he will shortly be obtaining sample light fixtures for the strata council and all residents to view.

- (d) Garbage – City of Vancouver Initiatives: The strata council received and reviewed correspondence dated December 14, 2005, from the City of Vancouver (the “City”) admonishing VCS and the residents of The New Yorker for the manner in which the area surrounding the garbage container is maintained. The letter writer threatened the imposition of fines if future violations are observed by City street use inspectors. The strata council will develop an appropriate response to the City.
- (e) Historic Yaletown District Residents Association (“HYDRA”): Angus Gunn reported that he continues his efforts to reach representatives from strata councils of other residential buildings within the Historic Yaletown District. Recent discussions concerning the Canada Line Yaletown Station have been an example of the need for coordination among Yaletown residents: Please see *Item 3 (m)*, below.
- (f) Archive of Records & 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 3(f)* above).
- (h) Policy Manual/Welcome Package: Julia Cottam advised the she has commenced work on this task and will report at the next strata council meeting.
- (i) Complaint in Respect of False Fire Alarm: The minutes of the strata council meetings held on July 13, August 4, September 1, and November 8, 2005, record the strata council’s progress to date in respect of this complaint. A further false fire alarm had subsequently occurred on October 28, 2005, in respect of the same strata lot. The strata council reviewed a letter dated December 13, 2005 from the proprietor of the

strata lot's commercial tenant concerning these incidents. The tenant has arranged to have the smoke detector in the strata lot replaced with a heat detector and the City has approved the replacement unit. The strata council is satisfied that the matter has been resolved and, in the circumstance, no fine will be levied. The strata council reiterated its request from the strata council meeting held on November 8, 2005, that a warning letter be sent to the commercial tenant pursuant to bylaw 23.2.

- (j) Personal Property in Parking Garage: As noted at item 8(b) in the minutes of the Strata council meeting held on November 8, 2005, the strata council noted that some residents continue to leave personal property in the parking garage, contrary to bylaw 13.1 among others. The strata council asked VCS to send letters to residents who are in violation of the bylaw. Personal property that is not removed from the parking garage is subject to being removed by the strata corporation as abandoned.
- (k) Personal Property in Northeast Storage Room: As noted at item 8(c) in the minutes of the Strata council meeting held on November 8, 2005, personal property had been sitting for some months in the common portion of the storage room nearer the stairs leading to Mainland Street. The personal property was not claimed by December 16, 2005, and it has been removed as abandoned.
- (l) Application for Change of Use of Commercial Strata Lot: In respect of item 4(n) of the minutes of the strata council meeting held on November 8, 2005, the strata council received and reviewed correspondence from the City advising that the Board of Variance had allowed the owners appeal from the denial of his change of use application.
- (m) Additional Lighting and Electrical Outlets in Parking Garage and Storage Rooms: In respect of item 8(d) of the minutes of the strata council meeting held on November 8, 2005, a quotation in the amount of \$1,036.00 plus GST was received from Nikls Ltd. for installation of additional power plugs and lighting fixtures in the parking garage and in the northeast parking garage storage room. The strata council asked VCS to obtain a second quotation for consideration.
- (n) Canada Line Line Yaletown Station: Mr. Gunn reported that he had attended two public meetings recently, convened by the City, regarding the Canada Line (formerly RAV line) station proposed for the Yaletown neighbourhood. Mr. Gunn advised that he will circulate copies of the City's minutes of those minutes as those minutes come available. Other residents wishing to be sent electronic copies of these minutes should contact VCS. He reported that representatives from other strata corporation councils had attended the meetings as well, and this proved to be a good opportunity to further the initiative regarding a local residents' association. A general public information meeting about the Canada Line Yaletown Station has tentatively been scheduled to be held at the Roundhouse on the evening of Monday, January 30, 2006. Once the City has finalized arrangements further details will be distributed.

The strata council will endeavour to keep residents of The New Yorker informed on Canada Line developments as they affect Yaletown, and updates will be provided in meeting minutes to the extent possible. The Canada Line Project Office maintains a website (<http://www.ravprapidtransit.com>) and there is an e-mail subscription option for updates on the project.

- (o) Website: Juan Lopez reported to the strata council on his research regarding a website for The New Yorker. It was moved, seconded, and carried to approve the \$18.00 monthly cost of hosting the strata corporation's website.
- (p) Complaint: As noted in item 5(f) of the minutes of the strata council meeting held on November 8, 2005, earlier that day the strata corporation received a complaint in respect of a strata lot (the "Complaint"). The particulars of the Complaint were that in November 2005 the owners advertised or listed their strata lot for sale without giving the strata council at least 48 hours' notice and that on or about November 8, 2005, the owners made alterations to the interior of their strata lot without obtaining the prior written approval of the strata council and failed to clean the resulting mess in the building's common areas.

The strata corporation considered the Complaint, if well-founded, may indicate contraventions of bylaws 5.1, 20.1, and 24. By letter dated November 8, 2005, the strata corporation wrote to the owner pursuant to section 135 of the *Strata Property Act*, R.S.B.C. 1996, c. 43 (the "Act"). The strata corporation informed the owner that it wished to ensure that the owner had a reasonable opportunity to answer the Complaint before the strata corporation decided how to proceed. The letter indicated that if the owner wished to make any written submission in answer to the Complaint, it was to be provided to the strata corporation no later than 4:00 p.m. on November 16, 2005. As well, the owner was asked to request an oral hearing by the same deadline if the owner wished to have one. The letter indicated that the strata corporation would give notice in writing of its decision to the owner as soon as feasible. The letter also indicated that possible responses included (without limitation) doing nothing or imposing a fine under Bylaw 30.1 of \$200.00 for each contravention of a bylaw.

By letter dated November 12, 2005, the owner responded to the Complaint. The owner provided information regarding the listing of the strata lot for sale and confirmed that no alterations requiring strata council approval had been done to the strata lot. Additionally, the owner pointed out that construction debris, which had been observed in common areas of the property, was not generated from her strata lot.

The strata council reviewed the Complaint in light of the submissions received, the Act, and the bylaws. The strata council accepted the owner's advice in the matter, although the strata council did not regard the owner's alternative explanation for the presence of the construction debris as plausible. Nevertheless, in the circumstances

the strata council considered that the Complaint's particulars had not been established and decided not to take any further action in respect of it. The strata council asked VCS to give notice in writing of the strata council's decision regarding the Complaint to the owner of the strata lot in question as soon as feasible.

#### **4. 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) 12 November 2005: Correspondence from a residential owner as summarized in item 3(p) above.
- (b) 1 December 2005: Correspondence from a residential owner asking to be added to list of owners wishing individual water shut-off valves to be installed when the general water shutdown occurs. Owner also asked for corrective action in respect of a fire door and the parking garage mirrors.
- (c) 13 December 2005: Correspondence from a commercial tenant informing strata corporation of change in tenant's corporate owner.
- (d) 14 December 2005: Correspondence from the City as summarized in item 3(d) above.
- (e) 16 December 2005: Correspondence to and from a residential owner regarding the rental restriction bylaws of the strata corporation.
- (f) 21 December 2005: Correspondence from real estate agent on behalf of a prospective residential owner regarding rental status. Through VCS the strata council responded to the inquiry. VCS added that the proposed sale of the property is now contemplated for the end of February 2006 and the real estate agent will contact VCS at that time for further information regarding the rental status of the corporation.

#### **5. JANITORIAL REPORT**

- (a) Mighty Tidy Report: The strata council reviewed the November and December 2005 reports from Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy"). The strata council instructed VCS to follow up on several issues raised by Mighty Tidy.

- (b) Move Inspections: The strata council asked VCS to request that Mighty Tidy be more diligent and vigorous in respect of inspections of the common area hallways before and after moves.

## **6. MAINTENANCE SCHEDULE**

- (a) Maintenance Schedule: The current maintenance schedule requires awning cleaning in January 2006. VCS will make the necessary arrangements with Allstar for this function.
- (b) Christmas Lights: It was agreed that the Christmas lights that were installed by the handyman, Glenn Wilson, should be removed. The strata council agreed that permanent enhancements to the building's exterior lighting should be considered at a future strata council meeting.
- (c) Contractor Updates: The strata council noted that the maintenance schedule prepared by VCS now lists the names of contractors who have provided services. Some further suggestions were made for implementation to the schedule.

## **7. NEW BUSINESS**

- (a) Insurance: VCS reviewed the insurance program currently in place until October 2006. The annual premium is \$17,332, which is higher than the 2004/2005 budget of \$16,000 for this line item. The premium has been paid in full.
- (b) Roof Garden Irrigation: The strata council is investigating the possibility of installing mechanical devices to irrigate the rooftop garden, thereby reducing the cost of professional gardening services and eliminating the need for residents to volunteer to water the shrubs and bushes during the warmer months. It was agreed that quotations would be obtained from the building's handyman, Glenn Wilson, and from a professional landscaper.
- (c) Form K Updates: The strata council asked VCS to provide a list of the Form K documents on file with VCS. (Form Ks are Tenant's Undertakings, which are required by the Act whenever a strata lot is rented).
- (d) Recovery of Stolen Building Keys: On December 22, 2005, a bulletin was posted in the building alerting all residents that a key for one of the strata lots and a key for the common area of the building had been stolen. This key had been in the possession of a real estate agent who was listing a strata lot for sale. The realtor subsequently informed the strata council that the stolen keys had been recovered and the strata corporation removed the security alert bulletins. The strata corporation understands that there is no residual security risk to the building, and at the moment the strata



council does not intend to take any further action in respect of this incident. Nevertheless, if you see anyone in the building who is unfamiliar and will not identify himself or herself, please notify VCS immediately at (604) 684-6291.

- (e) 1055 Mainland Street: The current tenant of this commercial strata lot is a restaurant and deli called "PHAT" (Pretty Hot and Tasty Foods Inc.). By letter dated December 13, 2005, PHAT sought the strata council's consent to the installation of electrical heat lamps and a side awning panel at the north perimeter of PHAT's exterior patio. PHAT attached to its letter a description of the proposed installations. The strata council did not consider that the description afforded a sufficient basis upon which to approve or reject the application. The strata council asked VCS to have PHAT submit more details drawings and descriptions of the proposed installations. The strata council also confirmed that the electrical supply for any electrical heat lamps would be separately metered and would not be a charge to the strata corporation. The strata council also asked VCS to inform PHAT that any approval given for these installations will be on a six-month probationary basis to permit an evaluation of any concerns that arise as a result of the installation – the same basis upon which the strata council at its meeting on February 3, 2005, approved PHAT's installation of the awning outside its establishment.

There being no further business, the meeting was adjourned at 9:00 p.m. The next scheduled meeting is for Tuesday, February 7, 2006 at 6:30 p.m.

Gerry Fanaken  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C. V6E 3J7

Telephone: 604-684-6291 (24-Hour Emergency Services)  
Toll free: 1-877-684-6291 / Fax: 604-684-1539

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# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, February 7, 2006, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President)	Unit #401
June Rubenok		Unit #304

**REGRETS:**

Juan Lopez	(Treasurer)	Unit #407
Hafiz Thobani		Commercial Owner
		Units #1050, #1055, #1060

**GUEST (Item 1):** A Residential Owner

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

The meeting was called to order at 6:30 p.m.

### 1. **GUEST**

A residential owner met with the strata council to discuss proposed alterations to the owner's strata lot. Before the meeting, the owner had provided the strata council with preliminary details regarding the proposed alterations. Before authorizing the alterations, the strata council needed further details about any interruptions to the building's water or electrical supply necessary for the alterations. The owner confirmed that the water supply to her unit will need to be interrupted to enable a water shut-off valve to be installed in the owner's strata lot. The water shut down will affect only the two other residential strata lots in the same plumbing "stack" as the strata lot in question. The owner confirmed that the water interruption would be coordinated with the owners of those other two strata lots and that ample notice would be given in advance. The owner also agreed to have the shut-off valve installed by System EX Mechanical Maintenance 1999 Ltd. ("System EX"), the building's new boiler mechanical contractor. No interruption will be necessary to the building's electrical supply. The owner also agreed in writing to the terms and conditions in bylaw 24.5 and paid a \$500.00 deposit. In light of this additional information, the strata council agreed to approve the proposed alterations and to provide the owner with written confirmation of that approval pursuant to bylaw 24.1.

The owner also asked the strata council for permission to access the water shut-off valves when the alterations are made. The strata council noted that the building's water valves are located in the ceiling above one of the commercial strata lots. The strata council asked the owner to approach the owner of the commercial strata lot in question to arrange reasonable access to the water valves. The strata council asked VCS to provide the owner with the building's valve tag list to ensure that only the proper valves are shut down when the alterations are performed.

The residential owner thanked the strata council for its time and departed at 6:50 p.m.

## **2. SPECIAL ITEM**

By letter dated January 11, 2006, and in compliance with bylaw 20.1, Ms. Julia Cottam informed the strata corporation of her and her husband's intention to list their residential unit for sale. In light of that intention to sell, pursuant to bylaw 37.1 Ms. Cottam gave the strata corporation written notice of resignation from the strata council. The strata council thanked Ms. Cottam for her contributions on strata council.

## **3. MINUTES**

It was moved, seconded, and carried to adopt as circulated the minutes of the strata council meeting held on January 3, 2006.

## **4. FINANCIAL REPORT**

- (a) December 2005 & January 2006 Financial Statements: Due to an oversight at VCS, the December 2005 financial statement had not been produced and sent to the strata council for its review in advance of the meeting. VCS apologized for the oversight and as compensation offered to abate by \$100.00 the strata corporation's management fees for January 2006. VCS distributed the December, 2005, financial statement for the strata council to review and provide comment after the meeting.

VCS advised that the January, 2006, financial statement would be produced and forwarded to the strata council within the next two weeks.

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) Legal Action (Former Owner): Mr. Gunn advised that a claim is being prepared with respect to a proceeding under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against certain former owners in respect of unpaid fines.

- (c) Commercial Settlements: At its meeting on January 3, 2006, the strata council asked VCS to contact one of the commercial tenants to obtain additional information necessary to resolve the remaining commercial settlements. VCS confirmed that that letter had been sent, but indicated that no response has been received. VCS added that the tenant now appears to have vacated the premises. It was agreed that, if the required information regarding the tenant cannot be obtained, no further action can be taken with respect to the settlement for this particular strata lot and another 3/4 vote resolution may have to be proposed at the next general meeting to permit matters to proceed. The strata council agreed to approach the owners and tenants of the remaining commercial strata lots to pursue the commercial settlements with them.
- (d) Arrears: The strata council reviewed one residential owner's account that has been in arrears for many months. Although the owner is paying current charges every month, the owner does not appear to be taking any steps to satisfy the substantial arrears. The strata corporation has repeatedly written to the owner to explore possible resolutions to this situation, but the owner has not responded. A lien has been filed on title to the strata lot in question to protect the strata corporation's position. The strata council considers that this matter needs to be resolved and asked VCS to write the owner once again to identify the strata corporation's intentions if the owner continues not to reduce the arrears owing.

## 5. OLD BUSINESS

- (a) Boiler Mechanical Contract & Water Shut Down: VCS presented the strata council with the formal contract from System EX. The strata council authorized VCS to execute the document on the strata corporation's behalf. A digitized copy of the contract will be added to the strata corporation's archive of records and documentation.

In respect of the proposed water shutdown to repair a small leak in the mechanical room, the strata corporation sought a further opinion from System EX. In the opinion of System EX, the leak was so small that it did not warrant the expense and inconvenience of a shutdown. A majority of the strata council agreed to follow System EX's assessment and recommendation and this matter was tabled. If an emergency or other water shutdown is necessitated in the future, the strata corporation will endeavour to exploit that opportunity by having this small leak repaired.

- (b) Security Upgrade: Mr. Hale reported that the building's security consultant, Gage-Babcock & Associates Ltd., has commenced its design of the strata corporation's security system. An onsite meeting will be held in the near future to continue this process.

- (c) Interior Upgrade: A quotation was received from The Restoration Shop in the amount of \$2,071.52 including GST to paint a number of areas within the interior of the strata corporation. This also includes repair of unsatisfactory work by Neighbourhood Painting. The strata council agreed to proceed with the contract from The Restoration Shop. The strata council also asked VCS to inform Neighbourhood Painting that other arrangements had now been made to resolve the unsatisfactory aspects of its prior work. The amount to be paid to The Restoration Shop for this work will be partially offset by the unpaid portion of the Neighbourhood Painting invoice.

The strata council noted that The Restoration Shop's scope of work will include repainting several of the building's fire doors. In several instances, the door closers need replacement. The strata corporation has been informed that the door closers originally installed on the fire doors were too small to function properly. While the strata council considers that all of the fire door closers ultimately need to be replaced, they are expensive and that work is not budgeted in the current fiscal year. The strata council concluded that the door closers should probably be replaced on those doors that are going to be repainted. The strata council asked VCS to engage Action Lock to have the door closers replaced on those doors at an estimated cost of approximately \$600.00.

With respect to the new light fixtures, Mr. Hale advised that the review of available light fixtures is in progress.

- (d) Garbage – City of Vancouver Initiatives: Mr. Hale advised that the City of Vancouver (the "City") has conducted an audit in the Historic Yaletown District, noting that in a five-block area there are 77 waste containers serviced by 11 different companies. At the recent meeting between the City Solid Waste Division and representatives from the Yaletown Business Improvement Association, the City representatives acknowledged the September deadline for submitting to City council a proposal for a permanent solution to the solid waste problem in Yaletown. It is the intention to employ a consultant to design the system, and the City has committed to prepare a request for proposal for this purpose.
- (e) Historic Yaletown District Residents Association ("HYDRA"): Mr. Gunn reported that he is continuing his efforts to contact representatives from strata councils of other residential buildings within the Historic Yaletown District. Progress has been slow, though, since there appears to be little community support and interest in developing this organization.
- (f) Archive of Records & 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 5(f) above).
- (h) Welcome Package: Before her resignation from the strata council, Ms. Cottam had begun preparation of a welcome package for the residential element at the strata corporation. The strata council thanked Ms. Cottam for her efforts on this project and will continue to develop this worthwhile document. VCS offered to assist the strata council in this matter by providing samples of similar welcome packages from other strata corporations managed by VCS.
- (i) Additional Lighting & Electrical Outlets in Parking Garage & Storage Rooms: The strata council continues to consider the installation of additional power plugs and lighting fixtures in the parking garage and the northeast parking garage storage room. Mr. Gunn confirmed that a meeting will be arranged with Artisan Installations to obtain an alternative quotation to the one on hand from Nikls Ltd. ("Nikls").
- (j) Canada Line Yaletown Station: Mr. Gunn reported that he had attended a recent Canada Line open house at the Roundhouse Community Centre organized by the City. The open house was informational only. It now appears certain that the Canada Line Yaletown Station will be built at Bill Curtis Square. The next phase of the project will be the design of the above-grade station house. Mr. Gunn confirmed that to the extent possible he will continue to participate in the consultation process surrounding that design and that he will do his best to inform owners of developments through these minutes.
- (k) Roof Garden Irrigation: At its meeting on January 3, 2006, the strata council resolved to obtain competitive quotations for the installation of an irrigation system on the building's roof deck garden. Those quotations have not yet been obtained. Efforts will be made to obtain these quotations for review at the next strata council meeting.
- (l) Parking Garage Gate Service Contract: The strata council asked VCS to obtain competitive quotations for a service contract for the building's parking garage door. The parking garage door malfunctioned several times in 2005, with the strata corporation having to pay significant overtime repair charges. The strata council considered that preventative maintenance through a service contract may yield long-term savings. A quotation was received from Overhead Door to service the parking garage gate semi-annually at a cost of \$200.00 plus GST. A quotation was also received from Nikls for similar services at a cost of \$250.00 plus GST per annum. It was moved, seconded, and carried to enter into a service contract with Overhead Door. The strata council asked VCS to ensure that the contract run from September 1 to August 31 each year so as to coincide with the strata corporation's fiscal year-end.

- (m) Website: Mr. Lopez continues his work on a website for the strata corporation. In his absence, discussion on this item was deferred to the next meeting of the strata council.
- (n) Gas Wrench: After its meeting on January 3, 2006, the strata council asked VCS to arrange for a shut-off wrench to be installed near the building's main gas valve in the alcove alongside the parking garage gate. Nikls suggested that a "Crescent" wrench would be sufficient to shut off the main gas supply line to the building in an emergency. The strata council preferred that a proper gas wrench be installed and asked VCS to obtain one from Terasen Gas or a qualified gas contractor.
- (o) Parking Garage Manhole Cover: The strata corporation recently replaced one of the manhole covers in the parking garage because it had become severely corroded and did not fit the hole in the concrete. The strata council wished to ensure that the new manhole cover would not corrode as the previous cover had done and asked VCS to investigate whether the cover should be galvanized to avoid that result. VCS approached Nikls for advice since Nikls had arranged for the manufacture of the replacement cover. Nikls reported that the new cover had been adequately treated with a rust inhibitor and would not corrode. In light of that advice, the strata council agreed that no further action was necessary on this issue.

## **6. 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) 8 January 2006: Correspondence from a residential owner, pursuant to bylaw 16.2, giving written notice of a residential move-out scheduled for February 17, 2006.
- (b) 11 January 2006: Correspondence from a residential owner as summarized in item 2 above.
- (c) 16 January 2006: Correspondence from a residential owner pursuant to bylaw 18.3, requesting permission to lease the owner's strata lot and giving notice of an intention to resurface the strata lot's floor during the week of January 16, 2006. As the building had not reached its residential rental limit, pursuant to bylaw 18.6 the strata council granted the owner permission to lease.
- (d) Week of 16 January 2006: Several residential owners contacted VCS to inquire as to the basis upon which gas surcharges had been added to their accounts. The strata council asked VCS to confirm with the inquiring owners that the surcharges had been levied in accordance with bylaw 6.8.

- (e) 20 January 2006: Correspondence from a residential owner pursuant to bylaw 24 seeking strata council approval to certain alterations to the owner's strata lot. The owner had originally requested the strata council's approval by letter dated December 19, 2005, but that letter had gone missing at VCS. Before the strata council could approve the proposed alterations, additional information would be needed from the owner. The strata council asked VCS to follow-up with the owner to obtain those additional details.
- (f) 3 February 2006: Correspondence from the same residential owner as Item 6(f) above, again pursuant to bylaw 24, seeking strata council approval to certain alterations to the owner's strata lot. The owner provided some of the additional information required by the strata council, but still further details remained outstanding. Rather than delay this matter further, the strata council suggested that the owner may wish to meet with the strata council at its meeting scheduled for February 7, 2006. The owner agreed to do so, as summarized in item 1 above.

## **7. JANITORIAL REPORT**

The strata council reviewed the January, 2006, report from Mighty Tidy Cleaning Company Ltd. No action items arose as a result.

## **8. MAINTENANCE SCHEDULE**

The strata council reviewed the maintenance schedule, which VCS has updated to include new contractor information. Further updating is required.

## **9. NEW BUSINESS**

- (a) Break-In Incident: On Sunday, February 5, 2006, persons unknown gained access to the building and substantially damaged the stairwell door to the elevator lobby at the parkade level and the lock of the door to the elevator machine room. Action Lock was immediately dispatched and attended to undertake emergency repairs to the door and add further security devices. Action Lock subsequently submitted a quotation for further security upgrading of the doors at a cost of \$510.93. The strata council agreed that this work should be done at the earliest opportunity as well as the installation of a deadbolt for the elevator machine room.

The strata council believes that the individual(s) who gained entry to the building did so while a residential move-out was in progress. The strata council believes that the building's front door was left open and unattended during the move. As it appeared that the strata corporation incurred the cost of the emergency service call by Action Lock in connection with the residential move-out, pursuant to bylaw 16(b)(i) the strata corporation will endeavour apply the resident's move-out damage deposit in respect of that cost.



- (b) Unauthorized Alterations to Common Property: The strata council noted that, without obtaining the prior written approval of the strata council, a commercial tenant had affixed signage to the building's Mainland Street canopy, contrary to bylaw 25.3(b). VCS informed the strata council that after installing the unapproved signage, the commercial tenant vacated the premises. Accordingly, pursuant to bylaw 25.7, the strata council asked VCS to arrange for the unapproved signage to be removed at the expense of the owner of the commercial strata lot in question.
  
- (c) Possible Bylaw Contravention: As noted as Item 7(a) in the minutes of the strata council meeting held on August 4, 2005, and as Item 4(p) in the minutes of the strata council meeting held on September 1, 2005, a commercial strata lot has installed an air conditioning unit without strata council approval. On September 23, 2005, the strata corporation wrote to the tenant of the commercial strata lot regarding this matter, but the tenant did not respond. The strata council agreed to pursue the matter further with the owner and tenant of the strata lot in question.
  
- (d) Appointment of Replacement Council Member: As a result of the resignation noted as Item 2 of these minutes, a vacancy exists on the strata council. Carole Holmes, the owner of residential unit 305 and a former member of the strata council, had previously expressed a willingness to rejoin the strata council. Pursuant to bylaw 37.3 it was moved, seconded, and carried that Ms. Holmes be appointed to the strata council effective immediately for the remainder of Ms. Cottam's term of membership.

There being no further business, the meeting was adjourned at 8:15 p.m. The next scheduled meeting is for Tuesday, March 7, 2006 at 6:30 p.m.

Gerry Fanaken  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C. V6E 3J7

Telephone: 604-684-6291 (24-Hour Emergency Services)  
Toll free: 1-877-684-6291 / Fax: 604-684-1539

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# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, March 7, 2006, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President and Secretary)	Unit #401
Juan Lopez	(Treasurer)	Unit #407
June Rubenok		Unit #304
Carole Holmes		Unit #305
Hafiz Thobani		Commercial Owner Units #1050, #1055, #1060

**STRATA AGENTS:** 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.

### 1. **MINUTES**

It was moved, seconded, and carried to adopt as circulated the minutes of the strata council meeting held on February 7, 2006.

### 2. **FINANCIAL REPORT**

- (a) December 2005 & January 2006 Financial Statements: The strata council was in receipt of the December, 2005, and January, 2006 financial statements from VCS. As the strata council Treasurer had not yet had an opportunity to review these documents, the strata council deferred approval of them. VCS distributed the February, 2006, financial statements.

The strata council reviewed the accounts receivable and instructed VCS to follow up with owners who are in arrears. The strata council noted that a number of owners are delinquent in varying amounts and they are asked to bring their accounts up to date. VCS will continue to send statements to all owners who are in arrears.

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) Legal Action (Former Owner): Mr. Gunn reported on the status of an intended claim under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against certain former owners in respect of unpaid fines.
- (c) Commercial Settlements: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.

### 3. OLD BUSINESS

- (a) Security Upgrade: The strata council reviewed an extensive document prepared by Mr. Hale outlining the design highlights of the proposed security upgrades and improvements. Gage-Babcock & Associates Ltd. is currently preparing a request for proposal ("RFP") to enable security installation companies to give competitive quotations for the security system's lease and installation cost. Before the RFP can be finalized, the strata council needs to approve the final system design elements. Before giving that approval, the strata council wishes to have the benefit of input from all owners. To that end, the strata council will circulate to all owners in the near future a summary of the intended program, and owner feedback and suggestions will be welcome.

The consultant has offered to review the fire code compliance of certain fire doors at the property at a cost of \$560 plus GST. The strata council considered the offer but concluded that sufficient information is on hand already from other sources and that the services offered are not required. As part of the pending security upgrade program, the strata council intends to ensure that all fire code requirements are met. The strata council will consider having the Fire Marshall inspect the premises at that time to ensure code compliance.

The building has recently experienced more unauthorized entries, although fortunately no losses have been reported. The Mainland Street entry door, which does not close properly, is believed to have been one of the points of entry point on these occasions. A quotation was received from Action Lock in the amount of \$896.25 including taxes to add a number of security devices to this door, including a new closer unit. The strata council reviewed the quotation and concluded that only the new closer unit should be purchased at this time. VCS was instructed to proceed with this improvement at a cost of \$225 plus tax.

The strata council noted that some other doors within the building require minor adjustments and other servicing. VCS was directed to have this matter addressed.

- (b) Interior Upgrade: The strata council reviewed correspondence from Neighbourhood Painting concerning an outstanding invoice for \$1,280 plus GST. This invoice had not yet been paid due to deficiencies and dissatisfaction with the contractor's services. The strata council did agree, however, that some of the work has now been completed satisfactorily, and it was agreed that at least 60 per cent of the invoice should be paid. The strata council requested VCS to provide further information

regarding the initial contract. VCS will attempt to negotiate a settlement with Neighbourhood Painting. It was agreed that the company should not be retained for completion of any of the outstanding work or for any new work. The strata council has obtained a quotation from The Restoration Shop for completion of other interior painting work and this will be held in abeyance until such time as the Neighbourhood Painting matter has been resolved.

Mr Hale advised that the issue of new light fixtures is being held in abeyance until all painting issues have been resolved. He suggested that the strata council monitor the budget allowance that would be available upon completion of the painting before incurring costs for new lighting. The strata council concurred with this approach.

- (c) Garbage – City of Vancouver Initiatives: There was nothing to report.
- (d) Canada Line Update: Mr. Gunn reported that he and Mr. Hale had recently attended a City of Vancouver workshop to discuss preliminary design concepts for the Canada Line Yaletown Station to be built at Bill Curtis Square. The strata council will continue to keep owners informed about Canada Line issues as they emerge. Additional details are available on the Canada Line website at [www.canadaline.ca](http://www.canadaline.ca).
- (e) Historic Yaletown District Residents Association (“HYDRA”): Mr. Gunn reported that he has attempted to contact the strata councils of most of the other residential buildings within the Historic Yaletown Area. There does not appear to be a sufficient level of interest from other buildings in pursuing this concept further at the moment. In view of that, the strata council agreed that this item should be dropped from the agenda.
- (f) Archive of Records & 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 3(f) above).
- (h) Welcome Package: Mr. Gunn reported that he had received several sample welcome booklets used by VCS for other strata corporations. Mr. Gunn indicated that there is a considerable amount of useful information in these booklets. He will consolidate the materials from these various booklets into a single draft for the strata council’s review. Mr. Hale agreed to consider possible design ideas for a booklet cover.

- (i) Additional Lighting & Electrical Outlets in Parking Garage & Storage Rooms: The strata council continues to consider the installation of additional power plugs and lighting fixtures in the parking garage and the northeast parking garage storage room. Mr. Gunn advised that he had not yet had an opportunity to meet with Artisan Installations to obtain a competitive quotation for this work. He will do so as soon as possible.
- (j) Roof Garden Irrigation: VCS reported that a quotation was received from Harris Irrigation in the amount of \$4,200 to supply and install an irrigation system for the roof garden. Another quote is anticipated from Core Irrigation. The strata council will consider other less expensive methods for achieving the same goal. The strata council expects that funds will not be available in the current fiscal year for this project but may wish to give owners the option of approving this expenditure at a future general meeting.
- (k) Website: The strata council continues to develop a website for use at "The New Yorker". Mr. Lopez advised that there had been no progress on this project since the previous meeting but that he will move it forward as soon as he can.
- (l) Tenant Undertakings: VCS presented a list to the strata council of the Form "K" tenant undertakings presently on file at VCS. This list will be updated as necessary from time to time.
- (m) Gas Wrench: VCS reported that despite best efforts, it had been unable to obtain a gas wrench from either Terasen Gas or service contractors as the item is simply unavailable. VCS has instead acquired a crescent wrench to be used for gas shut off. VCS will arrange for that wrench to be installed inside the cage surrounding the building's gas meter.
- (n) Possible Bylaw Contravention: The Strata Corporation is preparing correspondence in respect of a commercial strata lot's installation of an air conditioning unit without strata council approval. The strata council has been endeavouring unsuccessfully to canvass this issue with the owner and tenant of the commercial strata lot in question, as previously reported as Item 7(a) in the minutes of the strata council meeting held on August 4, 2005, Item 4(p) of the minutes of the strata council meeting held on September 1, 2005, and Item 9(c) of the minutes of the strata council meeting held on February 7, 2006.

#### **4. 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) 13 February 2006: Voicemail from a residential owner, pursuant to bylaw 20.1, giving notice of the owner's intention to list the owner's residential strata lot for sale and giving notice of intended open house dates.
- (b) 18 February 2006: Correspondence from Neighbourhood Painting regarding the status of payment for work completed. The strata council's consideration of this correspondence is summarized at Item 3(b), above.
- (c) 20 February 2006: Correspondence from the representative of a prospective residential purchaser as to the operation of the Strata Corporation's bylaw 15 regarding pets and animals. The strata council asked VCS to inform the representative as to the implications of bylaw 15.
- (d) 28 February 2006: Correspondence from a residential owner giving notice of intended open house dates for residential strata lot already listed for sale.

## **5. JANITORIAL REPORT**

- (a) The strata council reviewed the February, 2006, report from Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy"). No action items arose as a result.
- (b) The strata council asked VCS to confirm with Mighty Tidy that deposit cheques received for moves should be turned over to VCS as soon as possible in order that they are deposited into the strata corporation's bank account.

## **6. PREVENTATIVE MAINTENANCE SCHEDULE**

- (a) Dryer Vents: The bi-annual dryer vent cleaning is due in March, and a quotation was received from National Air Technology in the amount of \$672 plus GST to perform this task. The cleaning process is done from the inside of strata lots as well as from the outside of the building. The strata council authorized the work to proceed and owners will be advised of the exact dates.

## **7. NEW BUSINESS**

- (a) Emergency Lighting: The strata council noted that during a recent electrical power-out in Yaletown, the emergency lighting in the building's stairwells lasted only about twenty minutes. VCS confirmed that this duration is compliant with fire code requirements. Such emergency lighting is designed for fire escape emergencies, not general power outages.
- (b) Appointment of Secretary: It was moved, seconded and carried to appoint Mr. Gunn as Secretary of the strata council. This appointment was necessitated by the resignation of Ms. Cottam, the strata council's previous Secretary.

- (c) Parking in Loading Zone: The strata council noted that vehicles have recently been parking in the building's designated loading and unloading parking space in the parking garage for extended periods of time. It is very difficult for vehicles at the south end of the parking garage to manoeuvre when the loading and unloading parking space is occupied, and damage to vehicles is a real risk in those situations. Pursuant to bylaw 14.12, vehicles may not be parked in the designated loading and unloading parking space for more than 30 minutes. Pursuant to bylaw 14.17, vehicles parked in violation of bylaw 14.12 are subject to being removed by a towing company at the cost of the owner of the strata lot associated with the vehicle in question. If vehicles continue to be parked in violation of bylaw 14.12, the strata council will ask that bylaw 14.17 be enforced without further notice to residents. Pursuant to bylaw 14.17, violations of bylaw 14.12 are also subject to a fine of \$50.00.
- (d) Correspondence: The strata council asked VCS to forward electronic copies of all incoming and outgoing correspondence to the strata council President and Secretary for inclusion in the Strata Corporation's digital archive of records and documentation.
- (e) Strata Corporation Records: The strata council noted that five boxes of Strata Corporation records are currently being stored in the building's electrical room in the parking garage. The strata council considered that these records should be stored off-site, and asked VCS to have them removed to a commercial storage facility.
- (f) New Rule Regarding Residential Moves In and Out: Unauthorized access to the building during residential moves in and out has recently become one of the building's primary security threats. On every occasion of a residential move-in or move-out over the last several months, the building has experienced an unauthorized entry to the building. VCS recommended that the strata council consider requiring the owner of any residential strata lot with a move-in or move-out to pay for the cost of engaging a security guard to monitor the building's front door when a move is in progress. VCS advised that the cost of this type of service is typically in the range of \$50 to \$60 for a four-hour move. VCS reported that this protocol is followed by a number of other strata corporations that VCS manages and is quite effective in preventing unauthorized entry to the property. The strata council endorsed the idea. Pursuant to section 125 of the *Strata Property Act*, R.S.B.C. 1996, c. 43, it was moved, seconded, and carried to adopt the following rule, effective immediately: "For every move under Bylaw 16 into or out of a strata lot, the owner of that strata lot must pay the Strata Corporation before the move begins the amount necessary for the Strata Corporation to engage a security guard of its selection for the duration of the move."

The strata council asked VCS to diarize this matter for discussion in July or August, 2006, for the purpose of converting the rule into a draft bylaw for presentation to the next Annual General Meeting.

- (g) Rental Limit Reached: The strata council noted that the Strata Corporation has now reached the maximum number of residential rentals permitted by bylaw 18. Any owner who contemplates renting his or her strata lot should contact VCS for details on how to proceed. **Owners are cautioned not to permit any further new rentals of their strata lots as to do so would be in violation of the strata corporation's bylaws.**

There being no further business, the meeting was adjourned at 8:30 p.m. The next scheduled meeting is for Tuesday, April 4, 2006, at 6:30 p.m.

Gerry Fanaken  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C. V6E 3J7

Telephone: 604-684-6291 (24-Hour Emergency Services)  
Toll free: 1-877-684-6291 / Fax: 604-684-1539

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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.

# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, April 4, 2006, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President & Secretary)	Unit #401
June Rubenok		Unit #304
Carole Holmes		Unit #305

**REGRETS:**

Juan Lopez	(Treasurer)	Unit #407
Hafiz Thobani		Commercial Owner Units #1050, 1055, 1060

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

The meeting was called to order at 6:35 p.m. Mr. Fanaken introduced Ms. Kuleshova as his new assistant.

### 1. **MINUTES**

It was moved, seconded, and carried to adopt as circulated the minutes of the strata council meeting held on March 7, 2006.

### 2. **FINANCIAL REPORT**

- (a) **Financial Statements:** In the absence of the council treasurer, it was agreed to defer approval of outstanding financial statements for December 2005, January 2006, and February 2006. VCS advised that the March 2006 financial statement would be distributed shortly.

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) **Legal Action (Former Owner):** Mr. Gunn reported on the status of an intended claim under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against certain former owners in respect of unpaid fines.

- (c) Commercial Settlements: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.
- (d) Invoices: The strata council reviewed correspondence dated March 24, 2006, from Bloomsbury Pastoral Gardens & Outdoor Rooms regarding an outstanding invoice in the amount of \$330.90, which the strata council had previously rejected. The reasons for that rejection are set out at item 2(e) of the minutes of the strata council meeting held on January 3, 2006. VCS has again confirmed with the contractor that its invoice has not been accepted by the strata council.

An invoice in the amount of \$3,129.75 (including GST) was received from Gage-Babcock & Associates Ltd. ("GBA") for consultation services and for preparing a request for proposal (RFP) to enable security installation companies to give competitive quotations for the new security system's lease and installation cost. Since that work is ongoing, the strata council will review this invoice and inform VCS in due course as to the appropriate amount that is payable at this time.

### **3. OLD BUSINESS**

#### (a) Security Issues:

- (i) VCS confirmed that a bulletin was circulated to all owners outlining GBA's security upgrade recommendations. No owners or other residents have responded to that circular. The strata council will proceed on the basis that the owners and residents generally support the recommended changes. Mr. Hale will now contact GBA to proceed with the next step, which is to finalize the RFP and obtain specific quotations for the recommended improvements.
- (ii) As recorded at item 3(a) in the minutes of the strata council meeting held on March 7, 2006, VCS had asked Action Lock install a new closer unit on the Mainland Street entry door. VCS reported that although that installation had now been done, on several subsequent occasions the door still did not latch securely. Action Lock agreed to attend on site without cost to the strata corporation and adjust the locking mechanism. It now appears that the problem has been resolved and that the Mainland Street entry door is securing properly. Residents should nevertheless ensure that whenever they enter or leave the premises the building entry or exit door fully closes and latches securely.
- (iii) On 20 March 2006 a vehicle parked in the building's parking garage had apparently been entered by persons unknown and the vehicle contents "rifled". The vehicle owner has confirmed that no valuables had been left in the vehicle and that no possessions had gone missing. Because the building's parking garage remains a security concern at all times, the strata council reminds all residents not to leave valuables or parking garage gate openers in vehicles parked in the parking garage.

- (iv) The strata council confirmed its desire to ensure that, as part of the security upgrade, all aspects of the building are compliant with the City of Vancouver Fire Code. The Fire Code status of certain common area doors has been unclear for some time, particularly the door leading from the south fire escape to the Main Roof Deck. The strata council agreed to revisit this topic at a later stage of the ongoing security upgrade program.

(b) Interior Upgrade:

- (i) Painting: As noted at item 3(b) of the minutes of the strata council meeting held on March 7, 2006, VCS had been authorized to negotiate a settlement with Neighbourhood Painting in respect of its outstanding invoice for \$1,280 plus GST for interior painting services. VCS reported that a settlement of \$850 all-in had subsequently been negotiated with Neighbourhood Painting. The strata corporation and Neighbourhood Painting have confirmed that settlement in writing, the strata corporation has no further obligations to Neighbourhood Painting, and VCS has made payment.

The Restoration Shop has commenced the interior painting and the strata council expressed satisfaction with the work done to date. VCS was instructed to obtain from The Restoration Shop the colour codes of the paint used. This data will be very useful in the future.

- (ii) Lighting Fixtures: Mr. Hale advised that he is continuing to research the availability of suitable light fixtures. Now that the cost to complete the interior painting work has been finalized, approximately \$5,800 of the interior upgrade special assessment remains available for the purchase of upgraded light fixtures.

- (c) Garbage – City of Vancouver Initiatives: Mr. Hale reported that the City has prepared a request for proposal (“RFP”) for the design of a “Yaletown Waste Management Plan”. The RFP is to be used by the Yaletown Business Improvement Association (“YBIA”) to select and employ a consultant to design a more effective collection system for solid waste in the Historic Yaletown Area (*i.e.*, five City blocks that have no back lanes). Responses to the RFP are expected in mid-April.

- (d) Canada Line Update: Mr. Gunn reported that there will be another public meeting in the third week of April regarding design details for the Yaletown Station at Bill Curtis Square. Additional details are available on the Canada Line website at [www.canadaline.ca](http://www.canadaline.ca).

- (e) Archive of Records & 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.

- (f) Heritage Designation: This matter was deferred pending completion of the archiving and records review project (Item 3(e) above).
- (g) Welcome Package: Mr. Gunn reported that he is continuing to develop a "welcome package" information booklet.
- (h) Roof Garden Irrigation: A quotation was received from Kore Irrigation in the amount of \$2,380 plus GST for the installation of a rooftop garden irrigation system. (A previous quote is on hand from Harris Irrigation in the amount of \$4,200.) As these quotations are beyond the strata corporation's 2005-2006 budget allowance, neither proposal can be accepted at this time. The strata council understands the Main Roof Deck garden to be a priority for residents, and will consider whether to put the cost of installing an irrigation system to a vote of the owners at the 2006 Annual General Meeting. In the interim, the strata council remains hopeful that some residents will volunteer to attend to the plant watering this season. The strata council also asked VCS to distribute a circular calling for volunteers in this regard.
- (i) Website: In the absence of council member Juan Lopez, there was no report on the development of a website for "The New Yorker". VCS advised that it is "partnering" with another strata corporation that has developed a comprehensive website with a view to offering the program to all VCS clients.
- (j) Possible Bylaw Contravention: Correspondence has now been sent to the owner and tenant of a commercial strata lot in which an air conditioning unit had been installed without strata council approval. The strata council will give the owner and tenant an opportunity to make submissions in writing or in person (or both) before the strata council decides how to proceed in respect of the complaint.
- (k) Dryer Vent Cleaning Program: The bi-annual dryer vent cleaning program was completed on March 29, 2006. All but five strata lots were cleaned from the inside as well as the outside. The technician reported to VCS that the five missed units were extracted from the exterior and that this effort appeared to be successful. The strata council asked VCS to record the unit numbers of the five units whose dryer vents were not cleaned from inside in 2006 to ensure that they are accessed when the dryer vent cleaning program is done next in March 2008.

#### **4. 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) 17 March 2006: Correspondence from a commercial tenant requesting reimbursement of expenses totalling \$137.25 that were said to have been incurred to repair damage sustained as a result of a water leak. The commercial tenant attributed the water leak to a residential strata lot directly above the commercial strata lot in question. Although the commercial tenant did not indicate the date on which the water leak was said to have occurred, from the supporting documentation submitted it appeared as though the allegedly resulting expenses had been incurred in October 2005. The strata council had not received notice of any such water leak at that time or subsequently. The strata council asked VCS to convey its regret that the commercial tenant had sustained the loss described, but to indicate that the commercial tenant's recourse (if any) did not lie against the strata corporation. The strata council understands that any claim by the commercial tenant for reimbursement in this matter should be directed either to the tenant's landlord or else to the resident that the commercial tenant alleges caused the leak.
- (b) 24 March 2006: Correspondence from Bloomsbury Pastoral Gardens & Outdoor Rooms regarding an outstanding invoice. The strata council's response to this correspondence is summarized under the heading "Invoices" at item 2(d), above.
- (c) 3 April 2006: Correspondence from new residential owners, introducing themselves to the strata corporation and asking for details about several administrative issues. The strata council expressed its gratitude to the new owners for writing, extended a warm welcome to "The New Yorker", and asked VCS to respond to the new owners' questions.
- (d) 4 April 2006: Correspondence from a residential owner seeking requesting the strata corporation's authorization under Bylaw 24 to certain proposed alterations to the owner's strata lot. The proposed alterations are purely interior and have no effect on other strata lots or the building exterior. The proposed alterations were in fact previously approved by the strata council at its meeting on 5 May 2005, but the owner thought it prudent to seek renewed authorization in light of certain changes that had been made to the proposed alterations to address issues raised by the City of Vancouver. The strata council agreed to the proposal as outlined. The strata council asked VCS to issue a letter for the owner to provide to the City of Vancouver confirming that the strata council has authorized the proposed alterations.

A strata council member who had a conflict of interest in respect of this request disclosed fully and promptly to the strata council the nature and extent of his interest, abstained from voting in respect of this request, and left the strata council meeting while this request was being discussed and while the strata council voted in respect of this request.

## **5. JANITORIAL REPORT**

- (a) The March 2006 report from Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy") was not received. VCS will follow up with Mighty Tidy, requesting the report.

## 6. PREVENTATIVE MAINTENANCE SCHEDULE

- (a) Roof Barbeque: VCS will ask Mighty Tidy to attend to the annual cleaning of the rooftop barbeque in April, in accordance with Mighty Tidy's contract with the strata corporation.
- (b) Window Washing: The window washing is scheduled for May and VCS was instructed to obtain quotations from qualified companies (but not from Champion, the firm that was used last year). It was agreed that, this year, a comprehensive specification be developed for the invited contractors to use in preparing their quotations. The cleaning of all balcony ironwork and skylights will be included within the new scope of work.

## 7. NEW BUSINESS

- (a) Rooftop Garden: As noted above, the strata council is seeking volunteers to attend to the care and maintenance of the rooftop garden.
- (b) Electricity and Gas Savings: The strata council will continue its efforts to minimize the strata corporation's gas and electricity costs. VCS will ask Commercial Electric to provide an estimate of costs and savings associated with changing certain common area fixtures to reduce electrical consumption.
- (c) Notice Boards: The strata council expressed its desire to provide a more satisfactory mechanism for notifying residents of certain building administrative functions such as contractor visits, security alerts, etc. At present, VCS tapes notices to the walls of the elevator cab, and elsewhere, but these notices are not aesthetically pleasing. One option would be to install a permanent notice board in the lobby where notices could be posted when required. Ms. Rubenok volunteered to research the availability of such a facility.

The strata council continues to expect that the internet will allow improved communication with residents. Once the strata corporation's website is functioning, the strata council will use it to communicate with residents quickly and inexpensively. For those residents without internet access, individual notices will continue to be delivered to their doors. VCS offered to help set up an e-mail distribution list in the interim as the strata corporation's website continues to be developed.

- (d) Electric Receptacle: It was agreed that new faceplates should be installed on certain common property electric outlets. Ms. Rubenok volunteered to locate suitable replacements.

- (e) Continued Increases In Property Values: The strata council noted that although concerns had been raised at the 2005 Annual General Meeting about the implication of increased strata fees on property values at "The New Yorker", property values in the building have continued to rise since that time. Several owners who for personal reasons decided to sell their units since the 2005 Annual General Meeting have successfully listed their units for sale. As well, since the strata corporation has now reached the maximum number of residential rentals permitted by bylaw 18, the building's strata fees do not appear to have rendered rentals in the building uneconomic.
  
- (f) Donations Associated with Film Shoots in Historic Yaletown Area: A strata council member referred to notices recently posted in the Historic Yaletown Area in connection with a forthcoming film shoot in the area. According to the notices, the film company would be making a donation to the YBIA as a goodwill gesture to compensate for the inconvenience resulting from the film shoot. The strata council member observed that when film shoots occur in Yaletown, the inconvenience is sustained by residential and commercial interests alike. The strata council member queried whether it was appropriate for such goodwill donations to be directed solely to the commercial interests in Yaletown. Mr Hale, who currently sits on the YBIA board of directors, responded that the film shoot funds received by the YBIA are specifically earmarked for the Yaletown Beautification Fund that the YBIA manages. The YBIA uses that Fund to pay for the installation and maintenance of hanging flower baskets and street lighting during the Christmas season. The strata council member thanked Mr. Hale for these details and urged the YBIA to publicize that Fund's existence more widely as it does provide a benefit to both the residential and commercial interests in Yaletown.

There being no further business, the meeting was adjourned at 8:10 p.m. The next scheduled meeting is for Tuesday, May 2, 2006, at 6:30 p.m.

Gerry Fanaken  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C. V6E 3J7

Telephone: 604-684-6291 (24-Hour Emergency Services)  
Toll free: 1-877-684-6291 / Fax: 604-684-1539

GF/md



# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, May 2, 2006, at 6:30 p.m. in #304 – 1066 Hamilton Street, Vancouver, BC.

**PRESENT:**

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

(absent for items 1 through 4(g), inclusive)

**REGRETS:** Carole Holmes Unit #305

**STRATA AGENT:** Irina Kuleshova, Vancouver Condominium Services Ltd. ("VCS")

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

### 1. COUNCIL RESIGNATION

Council member, Juan Lopez, advised council with reluctance that due to work commitments he must resign from his position on the strata council effective May 2, 2006. The strata council extended its appreciation to Mr. Lopez for his dedicated work to the Strata Corporation and its owners.

### 2. MINUTES

It was moved, seconded and carried to adopt as circulated the minutes of the strata council meeting held on April 4, 2006.

### 3. FINANCIAL REPORT

- (a) Monthly Statements: Following review, it was moved, seconded and carried to approve the December, 2005, January, 2006, February, 2006 and March, 2006 financial statements, as presented.

Any owner wishing a copy of the Strata Corporation's financial statements should contact Vancouver Condominium Services Ltd. during regular business hours, 9:00 a.m. to 4:30 p.m., Monday to Friday.

The strata council reviewed the accounts receivable and instructed VCS to follow up with owners who are in arrears. The strata council noted that a number of owners are delinquent in varying amounts and they are asked to bring their accounts up to date. VCS will continue to send statements to all owners who are in arrears.

- (b) Legal Action (Former Owner): Mr. Gunn reported on the status of an intended claim under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against former owners in respect of unpaid fines. Mr. Gunn asked VCS to provide an exact calculation of the amount owed by the former owners to the Strata Corporation.
- (c) Commercial Settlement: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.

#### 4. OLD BUSINESS

- (a) Security Issues:

- (i) Mr. Hale advised the strata council that, on May 4, 2006, an invitation to tender will be issued to Paladin Security Systems, D&L Systems Ltd., Posscan Systems, and Cobra Integrated Systems. Following that, the strata council will arrange a walk-around with interested bidders to discuss the system specifications for which proposals are being requested. The strata council will ask that proposals be submitted by May 25, 2006. Once the proposals are received, the strata council, with the assistance of its security consultant Gage-Babcock & Associates Ltd., will select a provider.
- (ii) The strata council discussed a quotation received from Action Lock for the cost of installing a new stainless steel astragal on the building's Hamilton Street front door. Mr. Hale advised that the installation of the new electric lock (which is part of the security upgrade) may require the installation of a different astragal than what is presently installed. The strata council decided to defer discussion of any upgrades to the Hamilton Street front door until the general security upgrade on the property is complete.

- (b) Interior Upgrades:

- (i) Painting: The Restoration Shop has completed the interior painting project at The New Yorker. The agent presented an invoice in the amount of \$2,071.52, for this work (as per the quotation). The strata council reviewed and approved payment of the invoice.
- (ii) Lighting Fixtures: Mr. Hale advised that he is continuing to research the availability of suitable light fixtures. Now that the interior painting work has been completed, \$5,500.00 of the interior upgrade fund is available for the purchase of new light fixtures.

- (c) Garbage – City of Vancouver Initiatives: As noted under item 4(c) of the minutes of the strata council meeting held on April 4, 2006, the City of Vancouver (the “City”) has prepared a Request for Proposal for the design of a Waste Management System for the Historic Yaletown Area. Responses have now been received, and Mr. Hale reported that the Yaletown Business Improvement Association would conduct interviews and select the consultant on May 3, 2006.
- (d) Canada Line Update: Mr. Gunn reported that on April 27, 2006, he and Mr. Hale had attended another workshop to discuss design of the Canada Line Yaletown Station. A public open house was held on May 1, 2006, and information flyers had been distributed to residents. All residents are encouraged to learn more about the proposal and provide their feedback to the City. Additional details are available on the Canada Line website at [www.canadaline.ca](http://www.canadaline.ca).
- (e) 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.
- (f) Heritage Building Designation: This matter was deferred, pending completion of the archiving and records review project (item 4(e) above).
- (g) Welcome Package: Mr. Gunn reported that he is continuing to develop a “Welcome Package” Information Booklet.

Mr. Thobani joined the meeting at 7:15 p.m.

- (h) Website: VCS advised that a comprehensive website package is being finalized and will be available for the strata council’s review within a month. The strata council will determine how much work in developing the website was done by Mr. Lopez before his resignation from the strata council. Based on that information the strata council will decide on the next course of action.
- (i) Possible Bylaw Contravention: Correspondence was received from the tenant in a commercial strata lot outlining the reasons for installing an air conditioner in the unit. The tenant indicated that a cover similar to one installed in a neighbouring commercial strata lot had now been installed over the air conditioner. The strata council reviewed the correspondence and agreed to defer discussion of this matter until the next strata council meeting so that members of the strata council could inspect the cover before determining what action to take in respect of the original complaint.
- (j) Window Washing: Three quotations were received for the window washing project at The New Yorker.

- (i) **Best Facilities Services:** to wash all exterior windows on the front and the back of the building, including the roof and penthouse areas, at a cost of \$1,040 plus GST.
- (ii) **International Building Maintenance:** to clean all exterior windows by hand-wash at both sides, including commercial windows, glass canopies, and exterior penthouse window areas, at a cost of \$1,600 plus GST.
- (iii) **Allstar Window and Pressure Cleaning Systems:** to clean all exterior windows using a certified hydro line form with a 65' bucket truck, for a total of \$4,664.

Following review, the strata council determined that the first two estimates did not include the cost of installing BC Hydro shielding on the power lines to provide an insulated work area along the front of the building. Based on one of the quotations, the added cost would appear to range from \$3,000 to \$5,000. The strata council asked VCS to contact BC Hydro to determine if the power lines can be covered permanently, to avoid incurring this cost annually. The strata council also asked VCS to have revised quotations prepared that include the cleaning of balconies within the scope of work.

- (k) **Energy Savings:** The strata council was in receipt of a proposal from Commercial Lighting Products for supplying energy-efficient lighting in the parkade and lobby, including the flood lights, cylinder pot lights, and exit signs. The total cost of materials is \$2,279 with a proposed energy savings of \$1,139 per year. The cost of installation is not included in the price. The strata council asked VCS to obtain quotations for labour for this project on a per area basis. The strata council considered whether energy savings could be achieved in the parking garage by having the lights on that level activated by motion detectors. VCS will research this further and obtain quotations for the strata council's review.
- (l) **Rooftop Garden:** One of the owners in the building volunteered to dedicate his time to work on the rooftop garden. The strata council asked VCS to thank the owner for volunteering and to authorize the owner to attend to the care and maintenance of the rooftop garden. Because the building's budget for rooftop garden care and maintenance is very small for the current fiscal year, the strata council asked VCS to confirm with the owner that he should not authorize any rooftop garden expenditures without strata council approval.
- (m) **E-Mail Distribution of Strata Corporation Records:** The strata council wishes to take advantage of technology to improve (and reduce the cost of) communications with all owners and residents at The New Yorker. One of the Strata Corporation's highest, and most easily avoided, costs is the expense to duplicate and distribute materials in hardcopy. "Snail mail" distribution is also an unsatisfactory method of communication in emergencies. The strata council asked VCS to circulate a memorandum to all owners and residents inviting them to supply e-mail addresses to which Strata Corporation records (including minutes of meetings and other information bulletins) may be sent. The strata council is alive to the sensitivity of e-

mail addresses, along with other types of personal information, and will continue to treat such information confidentially and in compliance with the Strata Corporation's privacy policy. In accordance with section 61 of the *Strata Property Act*, R.S.B.C. 1996, c. 43 (the "Act"), and Strata Corporation Bylaw 4.2, an e-mail address supplied in response to this memorandum will be deemed to be the address to which the Strata Corporation should send all notices, records, documents, requests, statements, and other writing that the Strata Corporation is required or permitted to send a person under the Act, the regulations to the Act, the Strata Corporation's bylaws, and the Strata Corporation's rules. For those residents and owners who do not have e-mail or do not wish to use this service, Strata Corporation records will continue to be delivered in paper format.

- (n) Common Property Examination In Connection With Bylaw 24 Authorization: Item 4(d) of the minutes of the strata council meeting held on April 4, 2006, noted that the Strata Corporation had given its authorization under Bylaw 24 to certain proposed alterations to a residential owner's strata lot. In connection with those proposed alterations, the residential owner wished to have portions of the common property examined to determine whether any repairs to it should be included within the scope of the proposed alteration. The residential owner did not wish to authorize that examination without the Strata Corporation's approval. The strata council asked the residential owner to supply details of the individuals who would perform the proposed examination. So long as those individuals are properly qualified and agree to restore the common property to its original condition, the strata council expected that it would provide the requested authorization.
- (o) Notice Boards: June Rubenok advised that she found a magnetic mesh notice board measuring 15 x 21 inches for the building. She has asked the manufacturer to fax her a picture of the prototype. Upon receipt of that picture, the strata council will consider this topic further at its next meeting.
- (p) Steel Covers For Electrical Outlets: June Rubenok advised that stainless steel covers have now been purchased and installed on a number of common property electric outlets. She submitted an invoice of \$40.50 for this purchase. The strata council reviewed and approved payment of the invoice.

## **5. CORRESPONDENCE**

*Owners are invited to write council via the management company regarding any strata matters. Owners are advised that, pursuant to the Strata Property Act, correspondence which is addressed to the Strata Corporation must be made available to any other owner interested in such correspondence, and to certain other persons in specified circumstances. What this means is that any correspondence which is sent to the strata council in confidence might not be protected or privileged, and is subject to any other overriding and applicable law.*

- (a) 20 February 2006: Correspondence from the owners of a residential strata lot apologizing for an unscheduled move-out by the unit's tenant and the damage caused during the move. The owners advised the strata council that the damage deposit had been forwarded to VCS to cover the repairs. The strata council

expressed its gratitude to the owners for their constructive approach to this situation. The strata council also asked VCS to follow-up with the owners regarding the processing of the damage deposit. (Note that the owners' correspondence had originally been received and reviewed on 21 February 2006 and by oversight was not itemized in the minutes of the strata council meeting held on 7 March 2006.)

- (b) 6 April 2006: Correspondence from a commercial tenant regarding a complaint of a possible bylaw contravention. The strata council's response to this correspondence is summarized at item 4(i) above.
- (c) 7 April 2006: Correspondence from a commercial tenant requesting permission to access the building's electrical room so that new equipment may be installed in the commercial strata lot with which the commercial tenant is associated. Before authorizing the requested access, the strata council asked VCS to have the commercial tenant detail exactly what work was to be done and to confirm that a qualified and bonded electrician would perform the work. The strata council emphasized that there must be no interruption of power supply to any other strata lots in the building.
- (d) 10 April 2006: Follow-up correspondence from the commercial tenant, again requesting permission to access the building's electrical room. The commercial tenant confirmed that the power supply would be interrupted only to the commercial strata lot with which the commercial tenant is associated. The commercial tenant asked that access be given between 6:30 p.m. and 7:00 p.m. later that day. Upon further discussion with the commercial tenant, it emerged that his electrician had installed an additional electrical panel in the commercial strata lot and that it needed to be hooked into the power bus in the strata lot. In order to do so, the power supply to the strata lot had to be interrupted by accessing the building's electrical room. No work was to be performed in the electrical room itself. A member of the strata council provided the commercial tenant access to the electrical room for two hours on the evening of 11 April 2006 and the required work was completed. On 12 April 2006 the commercial tenant obtained a City electrical permit for wiring and installation of electrical equipment. The commercial tenant confirmed that before any equipment was hooked up the City would perform an electrical inspection.
- (e) 13 April 2006: Correspondence from a residential owner regarding the date of his residential move-out and inquiring as to the fees and damage deposit payable in respect of it. The residential owner also asked whether the cost of hiring a security guard would be in addition to those amounts. The strata council asked VCS to inform the owner of the applicable move-out fee and damage deposit, and to indicate that the cost of a security guard would be in addition to those amounts.
- (f) 19 April 2006: Correspondence from new residential owners regarding the date on which they will be moving into The New Yorker.

- (g) 23 April 2006: Correspondence from former residential owners seeking compensation in respect of an additional \$361.00 that the owners were obliged to pay their movers because the building's elevator broke down during their residential move-out. The elevator's malfunction meant that the residential move-out had to be rescheduled to another day, which resulted in the additional charge indicated. The strata council noted that the Strata Corporation arranges for the elevator to be serviced every month. The strata council considered that maintenance program to be reasonable. Accordingly, the strata council regarded the former owners' loss as an unfortunate and unforeseeable event for which the Strata Corporation was not liable. Nevertheless, the Strata Corporation recognized that the former residential owners were equally blameless in the circumstances: the elevator was empty at the time that it broke down and the repair technicians were unable to identify the cause of the elevator's malfunction. In those unusual circumstances, the strata council regarded it as appropriate to compensate the former owners for a portion of their loss. The strata council authorized VCS to compensate the former owners \$150.00 on an *ex gratia* basis in respect of this incident.
- (h) 1 May 2006: Correspondence from a residential owner seeking confirmation that the Strata Corporation continues to approach original owners as being exempt from the rental limitation set out in Bylaw 18. The strata council confirmed with the owner that until further notice it will continue to follow its current policy of treating original owners as exempt from the rental limitation in Bylaw 18. Whether that policy is sound in law depends on whether the rental disclosure statement filed by the developer of The New Yorker satisfies subsection 143(2) of the Act. The Supreme Court of British Columbia has held that language similar to that found in The New Yorker's property disclosure statement is not effective for purposes of subsection 143(2). If that is equally true at The New Yorker, then original owners in the building would not be exempted from the Bylaw 18 rental limitation. Nevertheless, because the courts have not yet clearly resolved the issue one way or another, current and previous strata councils at The New Yorker have been prepared to give original owners the benefit of the doubt and to treat them as being exempted. Whether that policy will continue to be applied in future will depend on considerations such as further guidance from the courts as to the proper interpretation of subsection 143(2), any relevant amendments to the Act, and the views of future strata councils. The strata council confirmed that the balance of Bylaw 18 applies to original owners.

## **6. JANITORIAL REPORT**

- (a) The March 2006 report from Mighty Tidy Cleaning Company Ltd. was received and reviewed by the strata council. VCS advised the strata council that "Mighty Tidy" was granted permission to purchase new barbeque cleaning brushes for the owners' use.

## **7. PREVENTATIVE MAINTENANCE SCHEDULE:**

- (a) Stairway Cleaning: VCS will ask Mighty Tidy to attend to the annual stairway cleaning in accordance with Mighty Tidy's contract with the Strata Corporation.

## 8. NEW BUSINESS

- (a) Commercial Garbage Container: The City of Vancouver contacted the Strata Corporation with concerns regarding an unlocked and overflowing garbage dumpster located on Mainland Street. The dumpster is being used by commercial and residential owners at The New Yorker. The strata council asked VCS to contact Waste Management, with whom the Strata Corporation has its garbage disposal contract, and ask that a new lock be installed on the dumpster lid to be keyed to match the lock for the dumpster on Hamilton Street.
- (b) Possible Bylaw Contravention: The strata council noted that the windows to one of the residential strata lots at The New Yorker had been covered with black-coloured plastic, in apparent contravention of Bylaw 21.4. The strata council asked VCS to bring Bylaw 21.4 to the attention of the strata lot's resident and to ask that the window coverings be replaced as soon as possible.
- (c) Entrance Doors Residents' Directories: A strata council member queried why the residents' directories posted at the Hamilton and Mainland Street entrances are not in alphabetical sequence. The directories are currently prepared by Mighty Tidy. Upon discussion, the strata council asked VCS to have Mighty Tidy sequence the directories alphabetically whenever they next need to be updated.
- (d) ASSA Key Inventory: VCS is updating the ASSA key inventory for The New Yorker. Further discussion on this matter will take place at the next strata council meeting.
- (e) Election of New Treasurer: In light of the resignation of the strata council's existing treasurer, Mr. Lopez, Bylaw 38.1 required the strata council to elect a new treasurer for the remaining term of this strata council. It was moved, seconded, and carried to elect Ms. Carole Holmes as treasurer, subject to her formal acceptance of this election at the next meeting of the strata council.

There being no further business, the meeting was adjourned at 8:20 p.m. The next meeting will be held on Tuesday, June 6, 2006 at 6:30 p.m.

Irina Kuleshova  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C.  
V6E 3J7  
Telephone: 604-684-6291 (24 Hour Emergency Services)  
Toll free: 1-877-684-6291  
Fax: 604-684-1539  
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# MINUTES OF COUNCIL MEETING

## STRATA PLAN LMS-1490

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**HELD:** On Tuesday, June 6, 2006, at 6:30 p.m. in 304 – 1066 Hamilton Street, Vancouver, B.C.

**PRESENT:**

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President/Secretary)	Unit #401
Carole Holmes	(Treasurer Designate)	Unit #305
June Rubenok		Unit #304
Hafiz Thobani		Commercial Owner Units # 1050/1055/1060 (Attended until 8:30 p.m.)

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

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

### 1. **MINUTES**

It was moved, seconded, and carried to adopt as circulated the minutes of the strata council meeting held on May 2, 2006.

### 2. **FINANCIAL REPORT**

- (a) **Monthly Statement:** Following review, it was moved, seconded, and carried to approve the April, 2006, financial statement as presented. The strata council reviewed the accounts receivable and asked VCS to follow up with owners who are in arrears. The strata council noted that one of the owners is significantly in arrears and asked VCS to issue a lien warning letter to the owner. VCS will continue to send statements to all owners who are in arrears.
- (b) **Legal Action (Former Owners):** Mr. Gunn reported on the status of an intended claim under the *Small Claims Act*, R.S.B.C. 1996, c. 430, against former owners in respect of unpaid fines. Further accounting information is required from VCS in order to advance this matter.
- (c) **Commercial Settlement:** The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.

- (d) Invoices: The strata council reviewed an invoice in the amount of \$3,129.75 (including GST) from Gage-Babcock & Associates Ltd. ("GBA") for consultation services and for preparing a request for proposal (RFP) to enable security installation companies to give competitive quotations for the new security system's installation cost. Following discussion, it was moved, seconded, and carried to approve payment of the invoice.

### 3. OLD BUSINESS

(a) Security Issues:

- (i) The strata council was in receipt of four proposals from security companies for the security upgrade project at "The New Yorker".



Mr. Hale advised the strata council that, upon review of the proposals, a number of questions were raised with the security consultant, GBA, with respect to the information submitted by the bidders. Once GBA clarifies the items raised by the strata council, the strata council will select a provider.

- (ii) Overhead Door: The strata council discussed permanently securing the person door in the parkade overhead door as part of the security upgrade on the property. Action Lock advised that it will cost the strata corporation approximately \$100 to weld the door shut. In addition, a quotation is pending from Overhead Door to supply and install a brand new garage overhead door without a person door. The strata council will discuss these options further at the next council meeting.

(b) Interior Upgrade:

- (i) Light Fixtures: Mr. Hale advised that he is continuing to research the availability of suitable light fixtures.

- (c) Garbage – City of Vancouver Initiatives: Mr. Hale reported that the Yaletown Business Improvement Association has selected a consultant for the design of a waste management system for the Historic Yaletown District.

- (d) Archive of Records & 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.

- (e) Heritage Building Designation: This matter was deferred pending completion of the archiving and records review project (Item 4(d) above).
- (f) Welcome Package: Mr. Gunn reported that he is continuing to develop a "welcome package" information booklet.
- (g) Website: VCS advised that a comprehensive website package is being finalized for presentation to the strata council.
- (h) Complaint Regarding Commercial Strata Lot: As noted as Item 7(a) in the minutes of the strata council meeting held on August 4, 2005, as Item 4(p) in the minutes of the strata council meeting held on September 1, 2005, and as Item 3(j) of the minutes of the strata council meeting held on May 2, 2006, the Strata Corporation received a complaint on September 2, 2005, in respect of a commercial strata lot (the "Complaint"). The particulars of the Complaint were that: (a) the tenant of the commercial strata lot had installed an air conditioning unit in the commercial strata lot without obtaining the prior written approval of the strata council; and (b) the appearance of the air conditioner degraded the building's general appearance.

The Strata Corporation considered that the Complaint, if well-founded, may indicate contraventions of Bylaws 5.1, 9.1, 24, and 26. By letter dated April 5, 2006, the Strata Corporation wrote to the owner and tenant of the commercial strata lot pursuant to section 135 of the *Strata Property Act*, R.S.B.C. 1996, c. 43 (the "Act"). The Strata Corporation informed the owner and the tenant that it wished to ensure that the owner and the tenant had a reasonable opportunity to answer the Complaint before the Strata Corporation decided how to proceed. The letter indicated that if the owner or tenant (or both) wished to make any written submission in answer to the Complaint, it was to be provided to the Strata Corporation no later than 4:00 p.m. on April 14, 2006. As well, the owner or tenant (or both) were asked to request an oral hearing by the same deadline if the owner or tenant (or both) wished to have one. The letter indicated that the Strata Corporation would give notice in writing of its decision to the owner and tenant as soon as feasible. The letter also indicated that possible responses included (without limitation) doing nothing, restoring the strata lot to its original condition at the expense of the owner of the commercial strata lot, imposing a fine under Bylaw 30.1 of \$200.00 for each contravention of a Bylaw, or imposing a further fine under Bylaw 31.1 of \$200.00 for each contravention of a Bylaw that continues for more than seven days.

By letter dated April 6, 2006, the commercial tenant responded to the Complaint. The tenant assured the Strata Corporation that the air conditioner would be covered with the same material as is covering the air conditioner installed in another commercial strata lot. The tenant did not respond to that portion of the Complaint

alleging that the air conditioner had been installed without prior written authorization. The tenant did not request an oral hearing in respect of the Complaint. The owner did not respond to the Complaint in writing or through a request for an oral hearing.

The strata council reviewed the Complaint in light of the submissions received, the Act, and the Bylaws. The commercial tenant had installed a cover over the unauthorized air conditioner by the time of the meeting, but it did not match the style previously approved by the Strata Corporation for another commercial strata lot. The strata council considered each of the Complaint's particulars to have been established and decided that fines should be imposed under subsection 130(2) of the Act against the tenant (or, in the event of non-payment, the owner) of the strata lot in question as follows:

Bylaw	Contravention	Fine Against Owner
5.1	Failure to comply strictly with the Strata Corporation's bylaws and rules	\$200.00
9.1	Use of a strata lot in a way that is inconsistent with the Strata Corporation's bylaws	\$200.00
24	Making an alteration to a strata lot without first obtaining the strata council's written approval	\$200.00
26	Making an alteration to a strata lot without complying with the requirements of bylaw 26	\$200.00
<b>TOTAL</b>		<b>\$800.00</b>

The strata council asked VCS to give notice in writing of the strata council's decision regarding the Complaint to the owner of the strata lot in question as soon as feasible.

The strata council acknowledged with thanks the efforts to which the commercial tenant had gone to cover the improperly installed air conditioner. Those efforts did not detract from the fact that the tenant installed the air conditioner without obtaining the required approvals. Furthermore, the strata council did not regard as satisfactory the cover whose installation the tenant arranged. In the circumstances, the strata council resolved to ask the tenant to arrange for a replacement cover to be installed at the tenant's sole expense. The tenant is to submit the name of the proposed contractor for the work along with detailed drawings of the proposed cover before authorizing the further work. If the tenant takes these steps no later than 4:00 p.m. on Friday, August 25, 2006, the strata council approves of the proposed work, and the proposed work is done to the strata council's satisfaction, the strata council will agree to waive the fines for the tenant's breaches of Bylaws 9.1, 24, and 26. Otherwise, the fines as imposed will stand and the Strata Corporation will arrange for a new cover to be installed over the air conditioner at the tenant's sole expense.

A strata council member who had a potential conflict of interest in respect of the Complaint disclosed fully and promptly to the strata council the nature and extent of his interest, abstained from voting in respect of matters pertaining to the Complaint, and left the strata council meeting while the Complaint was being discussed and while the strata council voted in respect of the Complaint.

- (i) Window Washing Update: VCS advised that, based on WCB regulations, B.C. Hydro is not allowed to cover permanently the power lines located along the side of the building. The strata council was in receipt of a quotation from B.C. Hydro to cover up the overhead primary line at a cost of \$6,502.39, inclusive of GST. This price includes installation, three months' use, and removal of a flag line and the cover upon expiry. The strata council agreed that the current fiscal year budget does not provide for the cost of covering the power lines. VCS was instructed to discuss this matter further with B.C. Hydro to determine if any remedy is available to the owners to avoid paying this amount every year just to complete the window washing project on the property.
- (j) Energy Savings: The strata council was in receipt of a proposal from Mott Electric Ltd. to supply and install occupancy sensors at three entrances in the parkade to control the lighting. The proposed cost for this work is \$1,975 plus GST. Following review, the strata council determined that the cost of installation is too high in comparison to potential energy savings and rejected the proposal. Furthermore, VCS advised that a quotation for the labour portion of installation of energy-efficient lighting in the parkade and exit signs is still pending from Commercial Lighting Products Ltd.
- (k) E-mail Distribution of Strata Corporation Records: VCS advised that a memorandum was circulated to all owners and residents inviting them to supply e-mail addresses to which Strata Corporation records (including minutes of meetings and other information bulletins) may be sent. To date only a few residents have provided their e-mail addresses to VCS. The strata council strongly urges all residents to take advantage of this program in order to reduce the high cost associated with duplicating and distributing materials in hard copy.
- (l) Notice Boards: June Rubenok presented to the strata council a picture of a magnetic mesh notice board for the building. The cost of purchasing the board is \$39.95 plus taxes. Following discussion, the strata council agreed to purchase the magnetic mesh notice board at the quoted price. Some members of the strata council also felt that the aesthetic of the Hamilton Street entrance lobby would be enhanced by installing on the white walls in the main lobby metal cover sheets similar to the ones on the individual unit doors. The strata council agreed that this matter would need to be put to the owners at a general meeting were it to be pursued.

- (m) Inventory of Access Devices: VCS assured the strata council that when the new security system is installed, a comprehensive inventory of the access fobs will be maintained.
- (n) Common Property Examination In Connection With Bylaw 24 Authorization: As noted at item 4(n) in the minutes of the strata council meeting held on May 2, 2006, a residential owner had been in discussions with the strata council regarding a possible examination of common property in connection with alterations that the Strata Corporation had recently authorized under Bylaw 24. The residential owner subsequently informed the Strata Corporation that, in the end, no such examination will be necessary and thanked the strata council for its assistance.
- (o) Commercial Garbage Container: VCS advised that Waste Management has now installed a lock on the Mainland Street garbage container to prevent unauthorized use of the Strata Corporation's Mainland Street bin. Unfortunately, the lock installed was not keyed to match that on the garbage container on Hamilton Street. The strata council asked VCS to have Waste Management key the Mainland Street garbage container lock to match the Hamilton Street garbage container lock.
- (p) Enterphone Directories: VCS advised that Mighty Tidy Cleaning Company Ltd. ("Mighty Tidy") Company has resequenced the enterphone directories in alphabetical order, as per the strata council's request.

#### **4. CORRESPONDENCE**

*Owners are invited to write 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) 3 May 2006: Follow-up correspondence from a residential owner regarding the Strata Corporation's approach to original owners in respect of the rental limitation set out in Bylaw 18. The strata council confirmed with the owner the position set out at item 5(h) of the minutes of the strata council meeting held on May 2, 2006.
- (b) 23 May 2006: Correspondence to a residential owner regarding the possible implications in respect of the rental limitation set out in Bylaw 18 of an intended sale of a strata lot by original owners.
- (c) 24 May 2006: Correspondence from a residential owner requesting the strata corporation's authorization under Bylaw 24 to the installation of engineered floating hardwood floors in the owner's strata lot. The owner confirmed that the proper acoustical underlay will be used and that a qualified contractor hired for the job. The strata council authorized the alteration as proposed, subject to the owner's compliance with Bylaws 24.5 and 26.

Mr. Thobani left the meeting at 8:30 p.m.

## 5. JANITORIAL REPORT

- (a) The strata council received and reviewed the May 2006 report from Mighty Tidy.

## 6. PREVENTATIVE MAINTENANCE SCHEDULE

- (a) Annual Fire Inspection: VCS advised the strata council that the annual fire inspection is due in June 2006. The strata council asked VCS to confirm the date of the last inspection and schedule the 2006 inspection accordingly. In respect of those units to which access could not be obtained during the 2005 fire inspection, the Strata Corporation will be insisting on access in 2006. If the units that did not provide access in 2005 again do not provide access in 2006, the Strata Corporation will schedule a follow-up fire inspection for those units at the expense of their owners.

## 7. NEW BUSINESS

- (a) Breaches of Bylaws In Respect of Parking Garage: As noted as Item 7(c) in the minutes of the strata council meeting held on March 7, 2006, certain residents and visitors continue to park in stalls not assigned to their strata lot (contrary to Bylaw 14.1), store unlicensed and uninsured vehicles in the parking garage (contrary to Bylaw 14.13), and park in the loading and unloading parking space for more than 30 minutes at a time (contrary to Bylaw 14.12). The strata council asked VCS to request that the owner of one vehicle supply proof of insurance for an unlicensed vehicle currently stored in a parking space. The strata council also asked VCS to obtain a copy of any agreement permitting the parking space designated to one residential strata lot to be used by the residents and visitors of another strata lot.

Pursuant to bylaw 14.17, all vehicles parked in violation of the Strata Corporation's bylaws are subject to being towed without notice. Residents and visitors wishing to arrange for the towing of a vehicle parked in violation of the Strata Corporation's bylaws should contact Unitow Services (1978) Ltd., 1717 Vernon Drive, Vancouver, B.C., V6A 3P8, telephone (604) 251-1255.

- (b) Intermittent Odour of Natural Gas In Hallways: Due to recent reports about the intermittent smell of natural gas in the hallways, the strata council asked VCS to revive a quotation from Latham's Mechanical ("Latham's) already on file for turning the gooseneck on the ventilation unit away from the rooftop unit exhaust to redirect the air flow and reduce the smell to an acceptable level. The proposed cost for this work is \$639 plus GST. Latham's did not know whether that work would resolve

the concern. Because of that uncertainty, the strata council did not regard it as reasonable to spend \$639 plus GST for a repair that may not work. The strata council instead asked VCS to dispatch the Strata Corporation's HVAC contractor System Ex Mechanical next time the gas smell reappears and to determine what can be done to prevent it from reoccurring. The strata council agreed not to have Latham's perform the work detailed in the earlier quotation.

- (c) Sewage Leak: It was recently brought to the strata council's attention that a small sewage leak has developed in the parking garage. The strata council asked VCS to dispatch a plumber to investigate this matter further.
- (d) Rental Limit Reached: As noted as Item 7(g) in the minutes of the strata council meeting on March 7, 2006, the Strata Corporation has now reached the maximum number of residential rentals permitted by Bylaw 18. Any owner who contemplates renting his or her strata lot should contact VCS for details on how to proceed. Owners are cautioned not to permit any further new rentals of their strata lots without strata council approval as to do so would be in violation of the Strata Corporation's bylaws.

There being no further business, the meeting was adjourned at 9:00 p.m. The next meeting will be held on Tuesday, July 4, 2006, at 6:30 p.m.

Irina Kuleshova  
Vancouver Condominium Services Ltd.  
#400 - 1281 West Georgia Street  
Vancouver, B.C.  
V6E 3J7

Telephone: (604) 684-6291 (24 Hour Emergency Services)  
Toll Free: 1-877-684-6291 / Fax: 604-684-1539

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