

MINUTES OF COUNCIL MEETING

STRATA PLAN LMS-1490

HELD: On Tuesday, July 4, 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		Unit #305
June Rubenok		Unit #304

REGRETS: Hafiz Thobani, Commercial Owner

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 agreed to defer formal adoption of the minutes of the strata council meeting held on June 6, 2006, until the next strata council meeting.

2. **FINANCIAL REPORT**

- (a) **Monthly Statement:** Following review, it was moved, seconded, and carried to approve the May, 2006, financial statement, as presented. The strata council reviewed the accounts receivable and instructed VCS to follow up with the owners who are in arrears. VCS advised that a lien warning letter was issued to one of the owners significantly in arrears. VCS will continue to send statements to all owners whose accounts are in arrears.
- (b) **Legal Action (Former Owner):** Mr. Gunn reported on the status of a claim under *Small Claims Act, R.S.B.C. 1996, c. 430*, against former owners in respect of unpaid fines. The claim has now been commenced and Mr. Gunn will continue to report on the claim's status going forward.
- (c) **Commercial Settlement:** The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.
- (d) **Budget Draft:** VCS presented council with the draft operating budget for the fiscal year 2006/2007. The strata council will continue to work on revisions to the draft

budget for finalization and presentation to the owners at the upcoming Annual General Meeting tentatively scheduled for mid October, 2006. The strata council agreed to engage the services of Reid Hurst Nagy, CGA, to perform a scheduled audit of the strata corporation's financial statements for the fiscal year ending August 31, 2006, and disbursements.

3. OLD BUSINESS

- (a) Security Upgrades: The strata council has completed its review of the bids submitted from three qualified companies for the security upgrade project at "The New Yorker". Following discussion, it was moved, seconded, and carried to award the security upgrade contract to Posscan Systems for a base price of \$49,685.31. The strata council will obtain clarification on items such as equipment warranty and completion dates from Posscan and will endeavour to have the project completed by September 30, 2006.
- (b) Interior Upgrades:
 - (i) Light Fixtures: Mr. Hale will continue to research the availability of suitable light fixtures.
- (c) Garbage Update: Mr. Hale reported that the Yaletown Business Improvement Association (YBIA) will meet with the selected consultant on July 5, 2006, to define requirements for a waste management system for the historic Yaletown area.
- (d) Archive of Records & Documentation: Mr. Gunn reported that his review continues of the strata corporation's records obtained from Rancho Property Services Ltd. ("Rancho"). Relevant materials are being digitized for convenience and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- (e) Heritage 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 shortly.
- (h) Window Washing Update: VCS advised that further discussion with BC Hydro confirmed that, in order to complete the window washing project at "The New Yorker", the strata corporation must cover up the overhead primary lines at a cost of \$6,502.39 inclusive of GST. Removal of the lower power lines will not obviate the need to cover the upper lines and will not allow the workers to wash the windows on the Hamilton Street side of the building without coverage. The strata council wishes to avoid this expense if at all possible and instructed VCS to discuss

this issue further with the Engineering Department of the City of Vancouver. The strata council also asked VCS to write to the City seeking its assistance in finding a resolution to this problem.

- (i) Energy Savings: The strata council was in receipt of a revised proposal from Commercial Lighting Products Ltd., advising that the BC Hydro Power Smart rebate has doubled since the last proposal. The strata council reviewed the proposal but considered that a decision still cannot be made on whether to proceed until an estimate is received of the labour costs for installation. VCS was instructed to request Commercial Lighting Products Ltd. to submit a revised quotation that includes the labour installation cost of the suggested product.
- (j) Notice Board: June Rubenok advised council that a magnetic mesh notice board is on back-order and will be delivered in the next three to four weeks.
- (k) Rental Implications of Intended Sale of Strata Lot By Original Owners: As noted at item 4(b) of the minutes of the strata council meeting held on June 6, 2006, the Strata Corporation has been in discussions with an original owner regarding the rental implications for the owner's strata lot of an intended sale. It was moved, seconded, and carried to perform a title search on the strata lot in question to determine its current status. The strata council confirmed its understanding that a Land Title Office sale of the strata lot would render the strata lot subject to the rental restriction set out in bylaw 18.
- (l) Annual Fire Inspection: VCS advised that Firetronic Systems Services Ltd. ("Firetronic"). has completed the annual fire inspection at "The New Yorker". The strata council was in receipt of the deficiencies report, which indicated that four residential units and one commercial unit had not provided access during the inspection. The strata council requested VCS to determine if any of the units had also failed to grant access during last year's inspection. The strata council asked VCS to arrange for those units to be inspected and to charge the cost of the return inspection to those units. The deficiency report also advised that a replacement of a leaking sprinkler is required at the main parking level. Firetronic has offered to do this job at a cost of \$724.00 plus GST.

Following discussion, it was moved, seconded, and carried to schedule the replacement of the leaking sprinkler at the quoted cost. In addition, Firetronic reported that the in-suite sprinkler heads appear to be of the type identified in an O-ring recall. The strata council instructed VCS to investigate this matter and determine whether or not in-suite sprinklers must be replaced.

- (m) Parkade Sewer Leak: VCS advised that Artisan Plumbing & Heating had been on site to investigate a possible sewer leak in the parkade from the units above. Following investigation, it was determined that the leak originated from the air conditioning unit located in one of the commercial strata lots. The owner of the commercial strata lot in question advised the strata council that he would get his own technician to do the repairs.

- (n) Canada Line Update: Please see the attached update bulletin regarding the Canada Line.

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) 12 June 2006: Correspondence from the owners of a residential strata lot requesting permission to install a satellite dish on the building to service their unit. The strata council expressed support in principle for the application, but wishes to avoid a proliferation of satellite dishes on the building should other owners wish to obtain a similar service. The strata council resolved to investigate the feasibility of installing a single satellite dish to service the building's residents. Mr. Hale advised he will investigate this further and report to council at the next council meeting.
- (b) 13 June 2006: Correspondence from a residential strata lot regarding a pipe leak in the parking garage level. VCS agreed to have the matter investigated. The leak proved to involve the building's fire sprinkler system and VCS will arrange for the leak to be repaired.
- (c) 21 June 2006: Voicemail from a commercial tenant reporting that Waste Management had not emptied the Mainland Street waste bin as scheduled. VCS agreed to have the matter investigated.
- (d) 1 July 2006: Two complaints from residential owners regarding several possible bylaw violations by the residents of a residential strata lot. The strata council will give the owner and resident of the strata lot in question notice of the complaints before deciding how to proceed in respect of them.
- (e) 03 July 2006: Correspondence from a residential strata lot asking to have the air flow in the hallways during the summer. The air flow has been increased to its maximum and unfortunately nothing more can be done. The strata council asked VCS to inform the owner accordingly.

The owner also advised that new cushions had been purchased for the Main Roof Deck furniture at a cost of \$112.00. The strata council asked VCS to reimburse the owner for the cushions.

The owner also expressed concern as to the quality of tenants to whom some residential owners are renting their strata lots. The owner asked the strata council to be more proactive in emphasizing that owners who wish to rent their strata lots should insist on references from prior landlords plus good employment. The strata council agreed to convey this sound advice to all owners via these minutes, but

noted that subsection 141(1) of the *Strata Property Act*, R.S.B.C. 1996, c. 43, precludes the Strata Corporation from screening prospective tenants or establishing screening criteria. To assist owners who wish to rent their strata lots, the strata council hopes to prepare an information sheet with suggestions and procedures that other owners have previously found helpful in selecting tenants and dealing with rental-related issues generally. The strata council will ask for assistance from the owner in question when that document is prepared.

5. JANITORIAL REPORT

The strata council received and reviewed the June, 2006, report from Mighty Tidy Cleaning Company Ltd.

6. MAINTENANCE SCHEDULE

- (a) Parkade Power Washing: VCS advised that parkade power washing is due in July. The strata council instructed VCS to schedule a regular power washing with Nikls Property Services.
- (b) Awning Cleaning: VCS advised the strata council that the next awning cleaning is due in July.
- (c) Interior Paint Touch-ups: The interior paint touch-ups are due in August. The strata council instructed VCS to hire a contractor for this job. The strata council asked VCS to ensure that Benjamin Moore premium-grade paint is used next time rather than the lower-grade paint used last time.

7. NEW BUSINESS

- (a) Elevator Contract: VCS advised the strata council that the elevator maintenance contract with Richmond Elevator Ltd. ("Richmond Elevator") expires on August 31, 2006. Following discussion, the strata council agreed to continue the contract with Richmond Elevator on a month-to-month basis and to determine if Richmond contemplates an increase in its rate.
- (b) Treasurer Appointment: Further to item 8(e) in the minutes of the strata council meeting held on May 2, 2006, Carole Holmes accepted a nomination as strata council Treasurer for the remainder of the year.
- (c) Non-White Window Coverings: The strata council noted that the window coverings visible from outside two of the building's strata lots were not white in colour. The strata council asked VCS to follow-up with the owners and residents of these strata

lots and to request that proper window coverings that comply with bylaw 21.4 be installed.

- (d) Repairs to Common Area Doors: The strata council instructed VCS to replace a door knob on the south fire stairwell door on the third floor and arrange for repairs to the door that leads to the Main Roof Deck.
- (e) Hours of Use of Main Roof Deck and Barbeque: The strata council reminds all owners that, in accordance with bylaw 10.4, use of the Main Roof Deck by two or more persons and use of the Main Roof Deck barbeque is limited to the hours of 10:00 a.m. to 9:00 p.m. Further, in accordance with bylaw 21.12, residents and visitors must clean the Main Roof Deck barbecue and turn off the propane after each use.

There being no further business, the meeting was adjourned at 8:40 p.m. The next meeting will be held on Tuesday, August 1, 2006 at 6:30 p.m.

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MINUTES OF COUNCIL MEETING
STRATA PLAN LMS-1490

HELD: On Tuesday, August 1, 2006 at 6:30 p.m. in 304 - 1066 Hamilton Street, Vancouver, B.C.

PRESENT: Stephen Hale (President) Unit #405
 Hafiz Thobani, Commercial Owner
 Carole Holmes Unit #305
 June Rubenok Unit #304

REGRETS: Angus Gunn (Vice President/Secretary) Unit #401

STRATA AGENTS: Irina Kuleshova, Vancouver Condominium Services Ltd.
 Gerry Fanaken, Vancouver Condominium Services Ltd. (attended until 7:50 pm)

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

1. MINUTES

It was moved, seconded and carried to adopt the minutes of the June 6, 2006 council meeting, as circulated. It was agreed to defer formal adoption of the July 4, 2006 council meeting until the next strata council meeting.

2. FINANCIAL REPORT

- (a) Monthly Statement: Following review, it was agreed to defer formal adoption of the June, 2006 financial statement until the next strata council meeting. 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.
- (b) Legal Action (Former Owner): This matter has settled.
- (c) Commercial Settlement: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.
- (d) Draft Budget: VCS presented council with a revised draft operating budget for the fiscal year 2006/2007. The strata council will continue to work on revisions to the draft budget for finalization and presentation to the owners at the upcoming Annual General Meeting.

Internet banking is available for owners if they wish to utilize the service and there is no charge from VCS. Go to www.vancondo.com click "online banking", complete the form online, etc.

3. OLD BUSINESS

(a) Security Upgrades: The strata council has met with a representative from Posscan Systems to discuss improvements to the specifications presented in the proposal written by GBA. The following issues were discussed with Posscan:

- Enterphone System: The strata council requested Posscan look into purchasing a flat panel display enterphone system for the New Yorker, instead of the proposed punch-code type.
- Roof Access: The strata council requested enhanced security for the roof access in the building and complete compliance with the fire code.
- Card Readers: In its' proposal, GBA has offered The New Yorker a long-range transmitter for the garage access and a separate access card for all other points of entry. The strata council requested that Posscan look into installing a system with a universal fob or smart card which will work for both the garage gate and the front and back entrances.

Furthermore, the strata council discussed the installation timing for the security upgrade project and financing options available to the strata corporation for funding the project.

(b) Interior Upgrades:

(i) Light Fixtures: Mr. Hale will continue to research the availability of suitable light fixtures.

(c) Garbage - City of Vancouver Initiative: Mr. Hale reported that the Yaletown Business Improvement Association (YBIA) will organize a meeting with the restaurant owners in the Yaletown area to discuss the proposed waste management system. Furthermore, in September 2006, YBIA will hold a public open house for Yaletown residents to attend and learn more about the project.

(d) Archive of Records & Documentation: There was nothing new to report on this matter.

(e) Heritage Designation: This matter was deferred pending completion of the archiving and records review project (Item 4(d) above).

(f) Welcome Package: There was nothing new to report on this matter.

- (g) Website: VCS advised that a demonstration of a comprehensive website package will be organized for council's review shortly.
- (h) Complaint Regarding Commercial Strata Lot: Correspondence to a commercial tenant is being mailed and delivered in person to the tenant.
- (i) B.C. Hydro Line: VCS advised that further discussion with B.C. Hydro confirmed that in order to complete the window washing project at the New Yorker, the strata corporation must cover up the overhead primary lines. Furthermore, B.C. Hydro advised that all commercial and residential properties in the Yaletown area affected by the proximity of the power lines to the building pay to cover the lines. B.C. Hydro feels that the coverage solution offered to affected owners is appropriate and will not be reconsidered. The strata council instructed VCS to reflect the cost of covering the overhead primary lines in the proposed 2006/2007 operating budget for owners' approval at the upcoming Annual General Meeting. Furthermore, VCS was instructed to schedule window washing for the parts of the building not affected by the power lines.
- (j) Energy Savings: VCS advised that a quotation for labour associated with the installation of the proposed energy saving product in the amount of \$2,600 plus GST was received from Commercial Lighting Products. Following discussion, council agreed to include the cost of this work in the proposed 2006/2007 operating budget for owners' approval at the upcoming Annual General Meeting.
- (k) Notice Boards: June Rubenok advised council that a magnetic mesh notice board has been purchased at a cost of \$48.58. The strata council instructed VCS to request Mighty Tidy Cleaning Company to hang the new notice board in the building.
- (l) #402 Rental: Correspondence was sent to the owner outlining the strata council's position; however, no reply has been received.
- (m) Annual Fire Inspection: VCS advised that Firetronic has completed replacement of a leaking sprinkler line at the main parking level. VCS has also noted that a second round of in-suite fire inspection will be scheduled for September 2006 for those units that missed the first inspection.
- (n) Sprinkler Head Recall: VCS advised the strata council that a walk around was arranged with Simplex Grinnell to determine how many sprinkler heads have to be replaced for the O-Ring sprinkler head type recall. VCS further added that there will be no cost to the strata corporation for labour or product portions in this project. The strata council authorized VCS to sign up for the program. VCS noted that the recall is a major project for Simplex Grinnell with 60,000,000 sprinkler heads to be replaced in North America. Therefore, VCS was advised that replacement at the New Yorker will most likely take place in one year from now.

- (o) Parkade Sewer Leak: VCS advised that PHAT Café has repaired the leaking air conditioning unit in their strata lot. Following repairs however, it was noted that water continued to drip in the parkade. Artisan Plumbing & Heating was dispatched immediately to further investigate the problem. During the visit it was determined that the leak originated from a dishwasher malfunction in the PHAT Café. The cost for the second visit from Artisan Plumbing & Heating was \$140.45. The strata council instructed VCS to charge back this amount to PHAT Café. Furthermore, the strata council instructed VCS to schedule drywall repairs to openings that were made by Artisan Plumbing during the second visit and charge the associated costs back to PHAT Café.
- (p) Parkade Powerwash: VCS advised council that Nikls Property Service completed the powerwashing of the parkade at The New Yorker.
- (q) Awning Cleaning: VCS advised council that Allstar Holdings has completed the quarterly awning cleaning at The New Yorker.
- (r) Door Repairs: VCS advised council that Action Lock was on site to perform repairs to a door knob on the stairwell door on the third floor and the roof deck door.
- (s) Unauthorized Move Out: VCS advised that a bylaw violation letter was sent to the owner whose tenants moved in and out of the building without following the proper moving procedures.
- (t) Parking Violations: Strata council noted that a number of residents in the building continue to violate the strata corporation's parking bylaws. VCS was instructed to tow without notice those vehicles whose owners have received warning letters, but continue to park illegally. Furthermore, VCS was instructed to create a standard towing warning letter that will be placed on owners' cars in violation of the parking bylaws.
- (u) Intermittent Odours of Natural Gas in Hallway: VCS was instructed to contact System EX Mechanical to review the ventilation exhaust system located on the rooftop and propose a solution to reduce the gas smells to an acceptable level.

4. 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.

None was received.

5. JANITORIAL REPORT

- (a) The strata council received and reviewed the July, 2006 report from Mighty Tidy Cleaning Company Ltd.

6. NEW BUSINESS

- (a) Broken Glass: The strata council was in receipt of an invoice in the amount of \$218.36 for repairs to a broken glass in the Yaletown Dentistry strata lot at 1050 Hamilton Street. The glass was broken as a result of an act of vandalism. VCS advised that the cost of repairs is lower than the \$250 insurance deductible for glass claims and therefore an insurance claim will not be filed. The strata council reviewed the strata corporation's bylaws and determined that it is a strata corporation's duty to cover the cost of repairs. VCS was instructed to pay the invoice.
- (b) Proposed Resolutions for the Annual General Meeting: The strata council instructed VCS to prepare proposed resolutions to be presented to the owners at the upcoming Annual General Meeting for council's review at the next strata council meeting. The Strata Council also discussed introducing a rental bylaw restriction, pertaining to owners whose tenants are constantly in violation of the strata corporation's bylaws.

There being no further business, the meeting was adjourned at 8:00 p.m. The next meeting will be held on Tuesday, September 5, 2006 at 6:30 p.m.

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IK/md

Water Restrictions

GVRD Sprinkling Regulations will be in effect June 1st through September 30th.

Lawn sprinkling is permitted:

- Two days per week from 4:00 a.m. - 9:00 a.m. and 7:00 p.m. - 10:00 p.m.
- Even-numbered addresses can sprinkle on Wednesdays and Saturdays
- Odd-numbered addresses can sprinkle on Thursdays and Sundays

While these restrictions apply only to grass (lawn areas) at this time, the GVRD may introduce more stringent regulations on outdoor water use as the summer progresses.

Single Space Double Space PDF Revised PDF

MINUTES OF COUNCIL MEETING
STRATA PLAN LMS-1490

HELD: On Tuesday, September 5, 2006 at 6:30 p.m. in Unit #304- 1066 Hamilton Street, Vancouver, B.C.

PRESENT: Stephen Hale (President) Unit #405
Angus Gunn (Vice President/Secretary) Unit #401
Hafiz Thobani, Commercial Owner
Carole Holmes Unit #305
June Rubenok Unit #304

GUESTS: Mr. Yves Decary – L’Atelier Hair & Esthetics

STRATA AGENT: Irina Kuleshova, Vancouver Condominium Services Ltd.

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

1. GUEST BUSINESS

Mr. Decary attended the meeting to discuss with the strata council a complaint made against him for an unauthorized installation of an air-conditioning unit and the cover over the air-conditioner that did not match the style previously approved by the strata corporation for another commercial strata lot. Mr. Decary advised that at the time of installation he was unaware of the specifications previously approved by the strata council and is now seeking instructions on how to alter the cover to comply with the previously set standards.

Mr. Decary and strata council did a visual inspection of the unit and the strata council made recommendations for improvement. Furthermore, the strata council advised Mr. Decary that if the proposed work is done to the strata council’s satisfaction by no later than November 2006 the strata council will waive the fines pertinent to the breaches of Bylaws 9.1, 24 and 26. The strata council will not waive the fine for breach of bylaw 5.1.

The strata council thanked Mr. Decary for attendance and he departed the meeting at 6:45 p.m.

2. MINUTES

It was agreed to defer formal adoption of the minutes of the strata council meeting held on August 1, 2006 until the next strata council meeting.

3. FINANCIAL REPORT

- a) Monthly Statement: Following review, it was moved, seconded and carried to approve the July, 2006 financial statement, as presented. The strata council was in receipt of the August, 2006 financial statement. It was agreed to defer the formal adoption of the July and August, 2006 financial statements until the next strata council meeting. 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.
- b) Commercial Settlements: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.
- c) Budget Draft: VCS presented council with a revised draft operating budget for the fiscal year 2006/2007. Strata council will continue to work on revisions to the draft budget for finalization and presentation to the owners at the upcoming Annual General Meeting, rescheduled for October 30, 2006. VCS advised the strata council that Reid Hurst Nagy, CGA's are in the process of performing an audit of the strata corporation's financial statement for the fiscal year ending, August 31, 2006 and disbursements.

Internet banking is available for owners if they wish to utilize the service and there is no charge from VCS. Go to www.vancondo.com click "online banking", complete the form online, etc.

4. BUSINESS ARISING

- a) Security Upgrade: The strata council discussed the options of borrowing v/s leasing for financing the security upgrade project at the New Yorker. Following review, it was noted that there is no significant difference in cost to the strata corporation between the two options. The strata council has also discussed implications of borrowing funds on the commercial owners who are not involved in the security upgrade project. The strata council has agreed to obtain legal advice on this issue and defer selection of the financing option until such clarification is received.

- b) Interior Upgrade:
 - i) Light Fixtures: Mr. Hale will continue to research the availability of suitable light fixtures.
- c) Garbage – City of Vancouver Initiatives: The City of Vancouver held open house to receive the input of business owners in the Yaletown area on the new Garbage Proposal. A handout from the meeting is attached for owners' review.
- d) Archive of Records & Documentation: Mr. Gunn reported that his review continues of the strata corporation's records obtained from Rancho Property Services Ltd. ("Rancho"). Relevant materials are being digitized for convenience and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- e) Heritage Designation: This matter was deferred pending completion of archiving the records review project, Item 4(d) above.
- f) Welcome Package: Mr. Gunn reported he is continuing to develop a welcome package information booklet.
- g) Website: The strata council has allocated funds in the proposed 2006/2007 fiscal year budget for a comprehensive website package for The New Yorker. This matter will be put forward before the owners for review at the upcoming Annual General Meeting.
- h) Possible Bylaw Contravention: Please see Guest Business for discussion on this item.
- i) #402 Rental: VCS was instructed to make a note on the owners' list for The New Yorker regarding the rental exemption status of unit #402. Following the move out of the current tenant in unit #402, the owner will no longer be exempt from the rental restriction bylaw and any subsequent rental will have to be approved by the strata council prior to commencing.
- j) Annual Fire Inspection: VCS advised that Firetronic will be on site on Friday, September 15th to complete the second round of in-suite inspections at The New Yorker for owners who did not grant access during the first inspection.
- k) Parking Violations: VCS has provided the strata council with a parking violation form for The New Yorker which the council will use to advise the residents and the visitors of the violations and warn them when their vehicles will be towed for repeat violations.

- l) Natural Gas in Hallways: The strata council was in receipt of a quotation from System-X Mechanical for a proposed solution to re-direct the smell of natural gas coming into the common hallway. The strata council has agreed to discuss this issue further with the owners at the upcoming Annual General Meeting.
- m) AGM: The strata council has booked the Annual General Meeting for the Strata Corporation LMS-1490 for Monday, October 30, 2006. Over the next month the strata council and VCS will work on the proposed resolutions for discussion at the Annual General Meeting.
- n) Richmond Elevator: The strata council has agreed to sign another five-year contract with Richmond Elevator for regular maintenance at the current rate.
- o) Satellite Dish: Mr. Hale continues to research options for installing a satellite dish in The New Yorker that can potentially be used by all owners in the building.

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 and privileged, subject to any other overriding and applicable law.

- (a) August 19, 2006: Correspondence from a commercial strata lot seeking reimbursement for water damage repairs caused by a bathtub overflow in the unit above. The strata council has agreed to forward this request on behalf of the owner whose unit was damaged, to the owner whose bathtub overflowed and caused the leak.
- (b) August 8, 2006: Correspondence from a residential strata lot advising of a periodical water leak in their laundry room. VCS advised that Artisan Plumbing & Heating was dispatched to investigate the leak. Artisan is in the process of accessing several units along the same riser to determine the source of the water escape. The agent was instructed to advise Artisan to check the unit below the owner who is experiencing the leak and determine if the leak is possibly caused by a drain back-up.

6. JANITORIAL REPORT

The August, 2006 report from Mighty Tidy Cleaning Company was received and reviewed by the strata council.

7. PREVENTATIVE MAINTENANCE SCHEDULE

VCS advised that building furnace, fans and the hot water tank are all due for an annual inspection in the month of October. The strata council instructed the agent to check if these items are covered by the contract with System-X and if so, schedule the work accordingly.

8. NEW BUSINESS

- (a) Power Poles: The strata council discussed contacting the City of Vancouver Engineering Department to request removal of the power poles on Hamilton Street. This issue has been previously discussed by the City and it was suggested to move the power lines underground and keep the poles for the heritage look of the district. Ms. Carole Holmes has volunteered to address the City on the strata corporation's behalf.

There being no further business, the meeting was adjourned at 9:15 p.m. The next meeting will be held on Tuesday, October 3, 2006 at 6:30 p.m.

Irina Kuleshova
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Toll free: 1-877-684-6291
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IK/ae

24-Hour Emergency Services

Clients using Telus Anonymous Call Blocking feature must deactivate this service (*87) to receive return calls from VCS after hours.

Please note that we will take no action on any emergency unless we have talked first to the person placing the call. If you have placed an emergency call, please keep the phone line clear so that VCS can return your call promptly.

PLEASE NOTE THAT THIS SERVICE IS FOR BUILDING EMERGENCIES ONLY: IT IS NOT FOR PERSONAL EMERGENCIES. Personal emergencies include lost building or suite access devices (i.e., keys, fobs, IRTs, garage remotes) access to relatives' apartments, inquiries about account balances, "someone parked in my stall", neighbours are having a loud party, neighbours' security alarm is going off and similar situations. We are also unable to provide assistance on calls such as "I saw a strange person enter the garage..." Suspicious activity and loud parties should be reported to the police. Break and enter and/or vandalism to your automobiles or suites should be reported to the police department.

Please feel free to report floods, broken water lines, fires, fire alarms, stuck elevators, garage gates not working and other similar building/property issues requiring immediate attention.

The 24-hour answering service is not available for general inquiries concerning accounts, council policies and other matters which are regular administration items.

MINUTES OF COUNCIL MEETING

STRATA PLAN LMS-1490

HELD: On Tuesday, October 3, 2006 at 6:30 p.m. in Unit #304 - 1066 Hamilton Street, Vancouver, B.C.

PRESENT:

Stephen Hale	(President)	Unit #405
Angus Gunn	(Vice President/Secretary)	Unit #401
Hafiz Thobani,	Commercial Owner	
Carole Holmes		Unit #305
June Rubenok		Unit #304

GUEST: Mr. Michael Emri

STRATA AGENT: Irina Kuleshova, Vancouver Condominium Services Ltd.

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

1. GUEST BUSINESS

Mr. Emri attended the meeting to discuss with the strata council a complaint made against him for an unauthorized move out of one of his tenants. Mr. Emri advised that his tenant had caused a number of problems and has had numerous complaints made against him by his neighbours. These complaints have forced Mr. Emri to request the tenant to vacate the unit as soon as possible. Two weeks notice was given to the tenant, yet the owner was never notified of the exact move out date and time. Mr. Emri has further advised that he has submitted a Form K for his new tenant and has assured the strata council that this type of incident will not re-occur.

The strata council thanked Mr. Emri for attending the meeting and he departed at 6:50 p.m.

The strata council decided to fine the owner for breaches of bylaws related to this incident, but agreed to reduce the amount of fines by 25% as the owner took action to remove the problematic tenant from the building.

2. MINUTES

It was agreed to defer formal adoption of the September 5, 2006 council meeting minutes until the next strata council meeting.

3. FINANCIAL REPORT

- (a) Monthly Statement: VCS advised council that the September, 2006 financial statement will be available for council's review shortly. 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.
- (b) Commercial Settlements: The strata council and VCS are continuing to resolve the matter of outstanding commercial settlements.
- (c) Budget Draft: VCS presented council with a revised draft operating budget for the fiscal year 2006/2007. The strata council worked on the revisions to the draft budget for finalization and presentation to the owners at the upcoming Annual General Meeting, scheduled for October 30, 2006.
- (d) Draft Audit: The strata council was in receipt of the draft audit for the strata corporation's financial statements for the fiscal year ending, August 31, 2006 and disbursements. The strata council requested clarification on a few items in the draft audit and instructed VCS to discuss these questions with the auditor.

Internet banking is available for owners if they wish to utilize the service and there is no charge from VCS. Go to www.vancondo.com click "online banking", complete the form online, etc.

4. BUSINESS ARISING

- (a) Security Upgrades: The strata council has obtained legal advise pertaining to implications of borrowing funds on the commercial owners for the security upgrade project.

It was advised that the lender's security interest only extends to the common property at the New Yorker, and not towards the individual titles. If the lender intends to file this in the Land Title Office, the charge will show against the common assets.

The strata council is working on finalizing the leasing option for financing the security upgrade project in order to obtain the necessary funds to commence the work as soon as possible.

- (b) Interior Upgrades: The strata council instructed VCS to contact The Restoration Shop to schedule the interior painting touch-ups in the building at their earliest convenience.

- (c) Archive of Records & Documentation: Mr. Gunn reported that his review continues of the strata corporation's records obtained from Rancho Property Services Ltd. (Rancho). Relevant materials are being digitized for convenience and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- (d) Heritage Designation: This matter was deferred pending completion of archiving the records review project, Item 4(d) above.
- (e) Welcome Package: Mr. Gunn reported he is continuing to develop a welcome package information booklet.
- (f) Satellite Dish: The strata council discussed the options for purchasing a satellite dish for the entire building that can potentially be wired and used by all owners without the need of installing a separate dish for each unit. Mr. Hale is looking into finding a suitable outlet that will be able to provide this service. The strata council will discuss this issue with the owners at the upcoming Annual General Meeting.
- (g) Leak in the Parkade: The strata council noted that a small leak in the parkade discovered a few months ago has become active again. The agent was instructed to check with the tenant in the commercial strata lot directly above to see whether or not they have a leak in their unit as well.
- (h) Leak in Unit #205: VCS advised that Artisan Plumbing & Heating is continuing to investigate the cause of a leak in unit #205. Access is currently being arranged to the neighbouring unit to aid in the investigation.
- (i) Power Poles: Ms. Holmes reported to council that the City of Vancouver has no plans to remove the power line poles from the sidewalks in the Yaletown area and switch to an underground system. The poles are considered part of the Heritage character of the area and the cost of undergrounding is prohibitive. Ms. Holmes further added that B.C. Hydro owns the power system and is legally entitled to operate the overhead utilities which is standard. Underground wiring will only be considered if a large developer such as Concord Pacific will offer to cover the cost of the project. Because the costs are so high, the city has not undertaken any project to bury the existing wiring underground in the past 30 years. Furthermore, the underground system requires the underground transformer vaults which are much larger than the pole mounted transformers and Yaletown area lacks the space for such installation. The strata council extended their appreciation to Ms. Holmes for her effort to address this issue with the City.
- (j) AGM: The strata council has discussed a number of resolutions for presentation to the owners at the upcoming Annual General Meeting, to be held on Monday, October 30, 2006 at 7:00 p.m. All owners are encouraged to attend the meeting as several important $\frac{3}{4}$ vote resolutions will be presented for discussion.

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.

None was received.

6. JANITORIAL REPORT

The strata council received and reviewed the September, 2006 report from Mighty Tidy Cleaning Company.

7. PREVENTATIVE MAINTENANCE SCHEDULE

VCS advised council that the regular awning cleaning is due to be scheduled in November, 2006.

8. NEW BUSINESS

- (a) Insurance Renewal: VCS advised the strata council that the strata corporation's insurance policy expires on October 20, 2006. VCS further advised that the vast majority of the strata corporations conduct their renewal on December 31st, which allows VCS to obtain slightly better pricing since a majority of insurance is bought at that time. Accordingly, VCS has offered to extend the strata corporation's insurance policy for the upcoming renewal date of December 31, 2006 in order to include Strata Plan LMS-1490 in the annual program. Following discussion, it was moved, seconded and carried to extend the policy for the upcoming renewal date from October 20, 2006 to December 31, 2006.
- (b) Insurance Appraisal: VCS advised council that the strata corporation's next insurance appraisal is due in October, 2006. The agent presented council with two quotations from Normac Appraisals in the amount of \$715 and Suncorp Valuation in the amount of \$800 for professional appraisal services. Following discussion, it was moved, seconded and carried to award the insurance appraisal contract to Normac Appraisal at the quoted cost of \$715 plus GST.
- (c) Compliance with the Act: The strata council instructed VCS to check whether or not the strata corporation has complied with section 100(3) of the *Strata Property Act* and filed in the Land Title Office the formula for calculation of the strata lot share of the contribution to the operating fund and contingency reserve fund for Strata Plan LMS-1490.

The agent was instructed to advise the strata council as soon as possible if such resolution has been filed in the Land Title Office.

- (d) Window Coverings: It was recently noted by the strata council that a number of owners continue to contravene the strata corporation bylaws by displaying inappropriate coloured window coverings in their unit. The agent was instructed to advise these owners and the tenants of the window covering bylaw.

There being no further business, the meeting was adjourned at 8:55 p.m. The next meeting will be the Annual General Meeting, to be held on Monday, October 30, 2006 at 7:00 p.m. in the Parkade of the New Yorker, 1066 Hamilton Street, Vancouver, BC.

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

IK/md

WHAT YOU NEED TO KNOW ABOUT AN EARTHQUAKE

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

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

For further information, visit the following websites:

Ministry of Energy & Mines (Gov. of BC)

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

Ministry of Public Safety & Solicitor General

http://www.pep.bc.ca/hazard_preparedness/earthquake_preparedness.html

City of Vancouver Emergency Preparedness

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

Neighbourhood Emergency Preparedness Program

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

MINUTES OF ANNUAL GENERAL MEETING

STRATA PLAN LMS-1490

HELD: On Monday, October 30, 2006 at 7:00 p.m. in the Lobby of the "New Yorker", 1066 Hamilton Street, Vancouver, B.C.

PRESENT: 15 residential owners were represented at the Annual General Meeting either in person or by proxy (10 in person, 5 by proxy).

1 commercial owner of three Commercial strata lots.

STRATA AGENTS: Irina Kuleshova, Vancouver Condominium Services Ltd.
Gerry Fanaken, Vancouver Condominium Services Ltd.

1. CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by the council President, Stephen Hale.

2. QUORUM REPORT:

Ms. Kuleshova reported that a quorum was present as set out above.

3. ELECTION OF CHAIR

It was agreed that Mr. Fanaken and Mr. Hale jointly chair the Annual General Meeting.

4. PROOF OF NOTICE

It was moved, seconded and carried to accept the notice dated October 10, 2006 as proper Notice of Meeting.

5. APPROVAL OF AGENDA

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

6. MINUTES

It was moved, seconded and carried to adopt the minutes of the September 29, 2005 Annual General Meeting, as circulated.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. PRESIDENT'S REPORT

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

9. INSURANCE REPORT

The insurance policy for Strata Corporation LMS-1490, as attached to the AGM notice, was reviewed with the owners. It was moved, seconded and carried to approve the insurance report and policy, as circulated.

All owners and residents are reminded that the strata corporation's insurance policy does not provide coverage for individual contents, betterments or improvements (i.e. storage locker contents, clothing, furniture, decorating, upgrading of carpets, flooring, etc.). Owners and residents must carry their own "Owner Package" insurance for this coverage, including any improvements. You should contact your home insurance company to determine if you have this coverage or not.

10. 3/4 VOTE RESOLUTIONS: The following $\frac{3}{4}$ vote resolutions were presented to the owners for their consideration prior to the Budget presentation since the outcome of the votes would affect the choice of the two proposed budgets:

**3/4 VOTE RESOLUTION #4
MAIN ROOF DECK IRRIGATION SYSTEM**

WHEREAS The Owners, Strata Plan LMS-1490, wish to undertake the installation of an irrigation system on the Main Roof Deck, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$4,000 as a charge against the accumulated Residential Operating Fund as at August 31, 2006, for that purpose.

This resolution will not be presented if the approved 2006/2007 operating budget leaves insufficient accumulated operating funds as at August 31, 2006, to fund the proposed expenditure.

The strata council explained the background to this resolution, specifically citing a problem with the lack of regular watering of plants on the rooftop garden. A number of owners stated that the strata corporation should not incur such large expense for installing a professional irrigation system while a cheaper version can be purchased at home improvement stores with funds allocated from the operating budget. A residential owner offered to install such watering system at The New Yorker.

Following discussion, it was moved, seconded and **defeated** by a vote of the Residential owners (0 in favour, 14 opposed, 0 abstentions) to approve $\frac{3}{4}$ Vote Resolution #4, as presented.

**3/4 VOTE RESOLUTION #5
ROOF EXHAUST VENT**

WHEREAS The Owners, Strata Plan LMS-1490, wish to undertake installation of a roof exhaust vent, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$2,000 as a charge against the accumulated Residential Operating Fund as at August 31, 2006, for that purpose.

This resolution will not be presented if the approved 2006/2007 operating budget leaves insufficient accumulated operating funds as at August 31, 2006, to fund the proposed expenditure.

Mr. Fanaken advised that the strata council was in receipt of a number of complaints throughout the past year about the smell of natural gas in the hallways of The New Yorker. Following an inspection by two separate contractors, it was determined that the boiler roof exhaust unit and the fresh air ventilation intake unit are located in such a manner that it allows the exhaust fumes to circulate back into the building. The estimated cost to correct this design flaw is around \$2,000.

Following discussion, it was moved, seconded and **defeated** by a vote of the Residential owners (4 in favour, 11 opposed, 0 abstentions) to approve $\frac{3}{4}$ Vote Resolution #5, as presented.

**3/4 VOTE RESOLUTION #6
SATELLITE DISH FOR COMMON RESIDENTIAL USE**

WHEREAS The Owners, Strata Plan LMS-1490, wish to undertake the installation of a satellite dish for the common use of all residential owners in lieu of individual residential owners installing individual dishes, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$5,000 as a charge against the accumulated Residential Operating Fund as at August 31, 2006, for that purpose.

This resolution will not be presented if the approved 2006/2007 operating budget leaves insufficient accumulated operating funds as at August 31, 2006, to fund the proposed expenditure.

Mr. Hale advised that the strata council concluded that it would be beneficial to purchase one common satellite dish for potential use by all owners in the building, instead of allowing each owner to install their own dish on a "per request" basis. A commercial owner pointed out that commercial strata lot owners would also be interested in participating in this project. It was moved, seconded and **carried** (18 in favour, 0 opposed, 0 abstentions) to amend the $\frac{3}{4}$ Vote Resolution #6 – Satellite Dish for Common Residential Use to read:

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of the owners to approve an expenditure not exceeding \$5,000 as a charge against the accumulated Residential and Commercial Operating funds as at August 31, 2006 for that purpose.

Following further discussion, it was moved, seconded and **defeated** by a vote of Commercial and Residential owners to adopt $\frac{3}{4}$ Vote Resolution #6 – Satellite Dish for Common Residential Use (12 in favour, 6 opposed, 0 abstentions).

11. 2006/2007 BUDGET (YEAR END AUGUST 31, 2007)

Mr. Fanaken presented the annual budget to the owners for their review and consideration. The strata council had prepared two budget options reflecting different levels of allocation of accumulated surplus to offset the increase in strata fees for the next fiscal year.

Budget Option A had a proposed strata fee increase of approximately 4%, and Budget Option B had a proposed strata fee increase of approximately 12%.

Mr. Fanaken pointed out that since $\frac{3}{4}$ vote resolutions #4, #5, and #6 had failed, the owners would be able to utilize money from the Accumulated Operating Surplus to supplement the budget for 2006/2007.

A commercial owner advised that the Commercial section would like to utilize part of their accumulated operating surplus to offset the strata fees in the next fiscal year for the Commercial Section. It was moved, seconded and **carried** (18 in favour, 0 opposed, 0 abstentions) to amend the budget splits by increasing the Commercial contribution of surplus forward from \$984 to \$2,212.

A vote was taken for Option A. Following further discussion, it was moved, seconded and **carried** (12 in favour, 4 opposed, 2 abstentions) to approve Budget Option A in the total amount of \$182,126.

A vote was also taken for Option B. It was moved, seconded and **defeated** (4 in favour, 12 opposed, 2 abstentions) to approve Budget Option B in the total amount of \$182,126.

**3/4 VOTE RESOLUTION #1
BUILDING ENVELOPE STUCCO EVALUATION**

WHEREAS The Owners, Strata Plan LMS-1490, in compliance with and pursuant to the recommendations in the 2005 report prepared by Halsall Engineering Ltd. for maintenance and repair of the property, wish to undertake a building envelope (stucco) evaluation as a proactive management initiative to ensure the quality of the envelope, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$5,000 from the Residential and Commercial Contingency Reserve Funds for that purpose.

Following discussion, it was moved, seconded and **carried** by a vote of Commercial and Residential owners (18 in favour, 0 opposed, 0 abstentions) to approve $\frac{3}{4}$ Vote Resolution #1 Building Envelope Stucco Evaluation.

**3/4 VOTE RESOLUTION #2
ROOF DECK REPAIRS**

WHEREAS The Owners, Strata Plan LMS-1490, in compliance with and pursuant to the recommendations in the 2005 report prepared by Halsall Engineering Ltd. for maintenance and repair of the property, wish to undertake roof deck repairs, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$10,000 from the Residential Contingency Reserve Fund for that purpose.

Following a brief discussion, it was moved, seconded and **carried** by a vote of the Residential owners (17 in favour, 0 opposed, 1 abstention) to approve $\frac{3}{4}$ Vote Resolution #2 – Roof Deck Repairs.

**3/4 VOTE RESOLUTION #3
CANOPIES REHABILITATION AND PAINTING**

WHEREAS The Owners, Strata Plan LMS-1490, in compliance with and pursuant to the recommendations in the 2005 report prepared by Halsall Engineering Ltd. for maintenance and repair of the property, wish to undertake exterior canopy rehabilitation and painting, **BE IT RESOLVED** by a $\frac{3}{4}$ vote resolution of The Owners to approve an expenditure not exceeding \$10,000 from the Residential and Commercial Contingency Reserve Funds for that purpose.

Some of the owners requested the strata council look into removing the metallic mesh of the canopies at the New Yorker to match the rest of the buildings in the neighbourhood. The strata council advised they will attempt to address the City on this issue.

Following further discussion, it was moved, seconded and **carried** by a vote of Residential and Commercial owners to approve $\frac{3}{4}$ Vote Resolution #3 – Canopies Rehabilitation and Painting (32 in favour, 0 opposed, 1 abstention).

**3/4 VOTE RESOLUTION #7
BYLAW AMENDMENTS**

WHEREAS, pursuant to section 128(1)(c) of the Strata Property Act, in the case of a strata corporation comprised of residential strata lots and non-residential strata lots, a bylaw amendment must be approved by a $\frac{3}{4}$ vote resolution of the residential strata lot owners and by a separate $\frac{3}{4}$ vote resolution of the non-residential strata lot owners, unless the strata corporation has sections and the proposed bylaw amendments relate solely to one section;

AND WHEREAS the strata corporation does not have sections, so the following proposed bylaw amendments must be passed by a $\frac{3}{4}$ vote resolution of the residential strata lot owners and by a separate $\frac{3}{4}$ vote resolution of the non-residential strata lot owners.

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of the owners of residential strata lots among The Owners, Strata Plan LMS-1490 that the bylaws of the strata corporation be amended as follows, such amendment to be effective upon the filing of an Amendment to Bylaws in prescribed form in the Land Title Office:

AND BE IT FURTHER RESOLVED by a $\frac{3}{4}$ vote resolution of the owners of non-residential strata lots among The Owners, Strata Plan LMS-1490, that the bylaws of the strata corporation be amended as follows, such amendment to be effective upon the filing of an Amendment to Bylaws in prescribed form in the Land Title Office:

(NOTE: New or Amended Text Is Underlined)

1. Damage Deposits and Security Guards In Respect of Residential Moves

16.5 For every move under this bylaw in or out of a strata lot, the owner of that strata lot must pay the Strata Corporation before the move begins:

(a) the user fee established under bylaw 17.1;

(b) a deposit of \$150.00:

(i) TO BE APPLIED IN RESPECT OF ANY DAMAGE SUFFERED OR ANY COST INCURRED BY THE STRATA CORPORATION OR ANY OTHER RESIDENT OR VISITOR IN CONNECTION WITH THE MOVE, AND THE BALANCE REMAINING (IF ANY) TO BE REFUNDED TO THE OWNER ONCE THE MOVE IS COMPLETED AND THE ELEVATOR SERVICE KEY AND THE FRONT DOOR MOVING KEY HAVE BEEN RETURNED TO THE PROPERTY MANAGER; OR

(ii) to be refunded in full to the owner once the move is completed and the elevator service key and the front door moving key have been returned to the Property Manager, if no damage is suffered and no cost is incurred by the Strata Corporation and any other resident or visitor in connection with the move; and

(c) in respect of a move under this bylaw in or out of Residential Strata Lot, the amount necessary for the Strata Corporation to engage for the duration of the move a security guard of the Strata Corporation's selection.

2. Protocols for Open Houses

20.3 A Residential Owner must not permit an open house to be held in respect of a Residential Strata Lot unless the Residential Owner (or the listing realtor or his or her authorized agent) comes to the entrance to the building to meet each individual who wishes to attend the open house, accompanies each such individual to the Residential Strata Lot, and accompanies each such individual out of the building when he or she finishes attending the open house.

20.8 An owner who contravenes any of bylaws 20.1 to 20.7 (inclusive) may be subject to a fine of \$200.00 for each such contravention and such further fines as may be levied under bylaw 31.1.

and Bylaws 20.3, 20.4, 20.5, and 20.6 be renumbered, respectively, as bylaws 20.4, 20.5, 20.6, and 20.7.

3. Timing of Circulation for Minutes of Strata Council Meetings

44.1 The council must circulate to owners the minutes of all council meetings within twenty-one (21) days of the meeting, whether or not the minutes have been approved.

4. *Protocols for Residential Rental Authorizations*

18.8 *If an owner exercises a permission to lease, the permission will expire on the date that:*

- (a) *the lease (as renewed or extended) between the owner and the Residential Tenant who first took occupancy of the owner's Residential Strata Lot after the permission to lease was granted is terminated;*
- (b) *the owner moves into the Residential Strata Lot to take occupancy;*
- (c) *the owner sells the Residential Strata Lot to a third party other than a member of the owner's Family; or*
- (d) *five (5) years from the date on which the council notified that owner that permission to lease had been granted*

whichever date is earliest.

Angus Gunn explained to the owners the reasons for the proposed bylaw amendments. Following discussion, a number of owners advised that bylaw amendment #4 needs further research as the *Residential Tenancy Act I* does not allow an owner to request a tenant to vacate the premises unless the owner is planning to sell the strata lot or move into the strata lot himself.

Following discussion, it was moved, seconded and **carried** unanimously by the Residential and Commercial owners to remove bylaw amendment #4 – Protocols for Residential Rental Authorization from the $\frac{3}{4}$ vote resolution.

Following further discussion, it was moved, seconded and **carried** by more than 75% of the Residential owners to adopt $\frac{3}{4}$ Vote Resolution #7 as amended (unanimous). It was moved, seconded and carried by the Commercial owners to adopt $\frac{3}{4}$ Vote Resolution #7 Bylaw Amendments.

12. **NEW BUSINESS**

An owner voiced his concern over the brightness of a commercial sign located on the building across the street. The owner advised that he finds it hard to fall asleep at night with the bright light shining into his windows. The owner requested that the new strata council approach the management of the building and request they dim the lights in the night time for the convenience of the owners of the New Yorker.

13. ELECTION OF STRATA COUNCIL

The members of council for 2005/2006 automatically retired from their positions, pursuant to the *Strata Property Act* and bylaw 35.1(b). The owners expressed their appreciation at the job well done by their outgoing strata council.

The following owners were nominated for council for 2006/2007:

- | | |
|------------------------------|---------------------------|
| - Angus Gunn (Residential) | Unit #401 |
| - Stephen Hale (Residential) | Unit #405 |
| - June Rubenok (Residential) | Unit #304 |
| - Garry Kainz (Residential) | Unit #302 |
| - Hafiz Thobani (Commercial) | Unit #1050, #1055 & #1060 |

There being no further nominations, it was moved, seconded and carried to cease nominations. The owners nominated were declared elected by acclamation.

14. TERMINATION OF MEETING

There being no further business, the Annual General Meeting was adjourned at 8:45 p.m. The next regular strata council meeting is scheduled for Wednesday, November 15, 2006 at 6:30 p.m. in Unit #304 at the New Yorker, 1066 Hamilton Street, Vancouver, B.C.

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

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IK/sp

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4. There are no arrangements for alternate living quarters if you are unable to return to your strata lot. You are on your own.
5. Depending on the severity of the earthquake, you may not be able to telephone/email the management company for assistance.
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For further information, visit the following websites:

Ministry of Energy & Mines (Gov. of BC)
<http://www.em.gov.bc.ca/Mining/Geosurv/Surficial/quake/>

Ministry of Public Safety & Solicitor General
http://www.pep.bc.ca/hazard_preparedness/earthquake_preparedness.html

City of Vancouver Emergency Preparedness
<http://www.city.vancouver.bc.ca/corpsvcs/emerg/prepyourself/earthquaketips.htm>

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

MINUTES OF COUNCIL MEETING STRATA PLAN LMS-1490

HELD: On Wednesday, November 15, 2006 at 6:30 p.m. in Unit #304 –
1066 Hamilton Street, Vancouver, B.C.

PRESENT:

Stephen Hale	Unit #405
Angus Gunn	Unit #401
June Rubenok	Unit #304
Gary Kainz	Unit #302

REGRETS: Hafiz Thobani, Commercial Owner

STRATA AGENT: Irina Kuleshova, Vancouver Condominium Services Ltd.

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

1. ELECTION OF OFFICERS

It was moved, seconded and carried to appoint the following officers:

- | | | |
|---|--------------------------|-------------|
| - | President | Steven Hale |
| - | Vice President/Secretary | Angus Gunn |
| - | Treasurer | Gary Kainz |

2. MINUTES

It was agreed to defer formal adoption of the October 3, 2006 council meeting minutes until the next strata council meeting.

3. FINANCIAL REPORT

- (a) **Monthly Statements:** The strata council was in receipt of the October, 2006 financial statement. Following discussion, it was moved, seconded and carried to adopt the August and September, 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.

- (b) Commercial Settlement: The strata council and VCS are continuing to resolve the matter of the outstanding Commercial settlement.
- (c) Draft Audit: To date, the strata council has not received clarification on a few items in the draft audit documents from Reid Hurst Nagy. It was agreed to postpone finalization of the draft audit until such clarification is received.

4. BUSINESS ARISING

- (a) Security Upgrade: The strata council and VCS are working on finalizing the lease documents to allow the strata corporation to borrow funds to finance the security upgrade project at the New Yorker. VCS advised that PoScan Systems was notified, the project will commence as soon as the lease is finalized and the documents have been signed.
- (b) Interior Upgrades:
 - (i) Painting Touch-ups: VCS advised that The Restoration Shop was notified to schedule the interior painting touch-ups in the building, at their earliest convenience. VCS further advised that, with recent heavy rains, The Restoration Shop has been dealing with numerous emergencies throughout the lower mainland and will start the interior painting touch-up project at the New Yorker at their earliest convenience.
 - (ii) Light Fixtures: Mr. Hale will continue to research the availability of suitable light fixtures.
- (c) Garbage – City of Vancouver Initiatives: There is nothing new to report on this matter.
- (d) Archive Records & Documentation: Mr. Gunn reported that his review continues of the strata corporation records obtained from Rancho Property Services Ltd. (“Rancho”) relevant materials are being digitized for convenience and inexpensive retrieval. Mr. Gunn will continue this process until all records received from Rancho have been reviewed.
- (e) Heritage Designation: This matter was referred pending completion of archiving the records review project (item 4(d) above).
- (f) Welcome Package: Mr. Gunn reported he is continuing to develop a Welcome Package information booklet. Mr. Kainz has volunteered to assist Mr. Gunn in developing the package.

- (g) L'Atelier Air Conditioner: Following the meeting, the strata council did a visual inspection of the air conditioning unit at the L'Atelier Hair and Aesthetics to determine compliance with the strata corporation's instructions to alter the cover on the air conditioning unit to comply with the previously set standard. Following the inspection, it was determined that the required alterations have not been completed. VCS was instructed to fine the owner of this commercial strata lot for breach of bylaws 9.1, 24 & 26. VCS was also instructed to find a suitable contractor to make the necessary alterations to the air conditioning cover and charge the cost of this work back to the strata lot owner.

- (h) Window Washing: VCS advised that discussions with property managers of the neighbouring building confirmed that BC Hydro charges the strata corporations for covering the electrical wires on the per foot basis; therefore, there is no incentive to schedule this job in partnership with another building. VCS further advised that it usually takes up to 90 days for BC Hydro to cover the lines, following receipt of payment from the strata corporation for this work. The strata council instructed VCS to contact BC Hydro and determine the price for covering the power lines outside the New Yorker and schedule the job for the end of February, 2007. This may give the strata corporation an opportunity to wash their windows twice while paying only once for the installation of the covers.

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.

03 November, 2006: Correspondence from a residential strata lot requesting permission to install a satellite dish in their unit. The strata council was also in receipt of the final quotation from Satellite Services in the amount of \$2,000.10 including taxes for installation of a common satellite dish which would be potentially used by all owners who could tap into the system by only paying for the cost of wiring. The quotation covers the cost of installing two dishes, which will provide all the necessary channels that the residents might want. The strata council has further discussed the benefits of installing the common satellite dish. A common dish will not affect the aesthetics of the building, and will also act as an excellent selling feature for the strata lots of the New Yorker.

The strata council has agreed that the motion to install this dish, at the AGM held in October, was defeated due to the high cost of the project. It was also noted that the strata corporation does have money in the Operating Fund, as a result of the left-over surplus from the previous years. The strata council has agreed to come back to the owners for the re-consideration of this project, provided that the cost for installation will be

covered by the money already available in the Operating Fund and will not affect anyone's strata fees or require additional payments.

VCS was instructed to prepare a notice for the Special General Meeting to vote on installation of the common satellite dish for the New Yorker. The meeting is tentatively scheduled for Monday, December 11, 2006.

6. JANITORIAL REPORT

The strata council received and reviewed the October, 2006 report from Mighty Tidy Cleaning Company.

7. PREVENTATIVE MAINTENANCE SCHEDULE

VCS advised that Christmas lights are due to be placed in the building in the month of December. The agent was instructed to contact the company that was used last year for this work and schedule installation of Christmas lights at the New Yorker.

8. NEW BUSINESS

- (a) Building Envelope Stucco Evaluation: The strata council was in receipt of a quotation from McCuaig & Associates for the building envelope stucco evaluation on the rooftop at a cost of \$4,000 plus the recommendation of an additional allowance of \$1,000 to \$1,500 for contractor costs associated with the assessment.

Following review, the strata council noted that the quotation does not clearly identify that the \$4,000 cost of the review is just for the stucco portion of the building. VCS was instructed to obtain clarification from McCuaig & Associates on the exact price of stucco evaluation only.

- (b) Canopies Rehabilitation Project: The strata council was in receipt of a quotation from Remdal Restoration in the amount of \$9,746.20 exclusive of GST, for mildew treatment cleaning and painting of metal awning frames and supports. VCS was instructed to check with Remdal on the cost of painting the gutters attached to the building, near the canopies. VCS will obtain an updated quotation for canopy rehabilitation and gutter painting in the spring when this work is recommended to be performed.
- (c) Roof Deck Repairs: VCS advised the quotation is still pending for roof deck repairs at the New Yorker. Because it is recommended that this work be performed in the spring when the climate is drier, VCS was instructed to obtain an updated quotation in early spring.

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- (d) Building Signage: VCS was instructed to contact the owners of the clothing shop across the street which has a bright sign installed above the store, that disturbs the owners of the New Yorker. VCS will write to the management asking them to turn off or dim the lights at night in consideration to the residents of the New Yorker.
- (e) Mesh on Canopies: The strata council will research the previous records of the New Yorker to determine what efforts were made to remove the mesh from the canopies. Further discussion of this matter will take place at the next council meeting.
- (f) Leak in a Commercial Strata Lot: During the recent heavy rains, there was a leak in one of the Commercial strata lots. The agent advised that this is a reoccurring leak and that the investigation performed by System-Ex confirmed the likely source of water ingress is between the two ducts located at the roof top where the space is too small to be sealed and must be covered by a cover of some sort to prevent leaks from reoccurring. VCS further advised that System-Ex Mechanical has advised that this work can be performed at cost of under \$500. VCS was instructed to schedule the work with System-Ex at their earliest convenience. It was also noted that it would be beneficial to cover the top and the sides of the gap between the two vents to prevent possible water ingress from the side.

There being no further business, the meeting was adjourned at 8:00 p.m. The next meeting will be held on Tuesday, January 9, 2007 at 6:30 p.m.

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Rain Rain Go Away . . .

Unfortunately, the rain is not going to go away and, in fact, here comes the very heavy rainy season. Now is the time to check any gutters and drains around the exterior of your unit to make sure that they are free of leaves and other debris. You can save yourself a lot of grief and save your strata corporation some money by having a quick look at these areas which normally create floods and great inconvenience and expense. Please report these to your strata agent who will take action to make sure that they are cleaned.

MINUTES OF SPECIAL GENERAL MEETING

STRATA PLAN LMS-1490

HELD: On Monday, December 11, 2006, at 7:00 p.m. in the Lobby of "The New Yorker", 1066 Hamilton Street, Vancouver, B.C.

PRESENT: 10 Residential Owners represented at the Special General Meeting either in person or proxy, as per the registration sheet (8 in person, 2 by proxy)

STRATA AGENT: Irina Kuleshova, Vancouver Condominium Services Ltd.

1. **CALL TO ORDER**

The meeting was called to order at 7:05 p.m. by the strata agent, Ms. Kuleshova.

2. **QUORUM REPORT**

Ms. Kuleshova reported that a quorum was present, as set out above.

3. **ELECTION OF CHAIR**

It was moved, seconded, and carried that Ms. Kuleshova and Mr. Hale jointly chair the Special General Meeting.

4. **PROOF OF NOTICE**

It was moved, seconded, and carried to accept as proper the notice dated November 22, 2006, as presented.

5. **APPROVAL OF AGENDA**

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

6. **3/4 VOTE RESOLUTION**

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

**3/4 VOTE RESOLUTION
SATELLITE DISH FOR COMMON RESIDENTIAL USE**

WHEREAS The Owners, Strata Plan LMS-1490, wish to undertake the installation of a satellite antenna dish for the common use of all owners in lieu of individual owners installing individual antenna dishes;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners that the installation of a satellite antenna dish for the use of the owners at a cost of not more than \$2,500, such cost to be funded from the operating fund surplus carried over from the 2005-2006 fiscal year, be and is hereby approved.

An owner present noted that no commercial owners were present at the meeting, in person or by proxy, and expressed a concern that the resolution as currently worded could be construed as binding the commercial owners without their having voted in support of it. Following discussion, an owner present proposed that the resolution be amended to read that the satellite dish be installed for the sole use of the residential owners and funded by the residential component of the 2005-2006 operating fund surplus.

It was moved, seconded, and **carried** (unanimously) to amend the $\frac{3}{4}$ Vote Resolution – Satellite Dish for Common Residential Use to read:

WHEREAS The Owners, Strata Plan LMS-1490, wish to undertake the installation of a satellite antenna dish for the common use of all residential owners in lieu of individual residential owners installing individual antenna dishes;

BE IT RESOLVED by a $\frac{3}{4}$ vote resolution of The Owners that the installation of a satellite antenna dish for the use of the residential owners at a cost of not more than \$2,500, such cost to be funded from the residential component of the operating fund surplus carried over from the 2005-2006 fiscal year, be and is hereby approved.

Following further discussion, it was moved, seconded, and **carried** (unanimously) to adopt the $\frac{3}{4}$ Vote Resolution – Satellite Dish for Common Residential Use.

7. TERMINATION OF MEETING

There being no further business, the Special General Meeting was adjourned at 7:15 p.m.

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