

**MINUTES OF THE SPECIAL GENERAL MEETING
LEXINGTON NORTH – STRATA LMS 1301**

Held: Monday, March 30, 2009

Location: Meeting Room, 3709 Pender Street, Vancouver, BC

CALL TO ORDER

The chair called the Special General Meeting of Strata Corporation LMS 1301 to order at 7:05 pm.

ENGINEER PRESENTATION

Dino Chies, of Trow Engineering, made a presentation on the current status of the work in progress and the condition of the existing roof system. He also took a number of questions from the ownership relating to various aspects of the project.

Owners who successfully applied to HPO (Homeowners Protection Office) are reminded that they will soon be receiving paperwork relating to their loans. It is important that owners process this paperwork immediately after receiving it.

CERTIFICATION OF PROXIES

The proxies were certified by the staff of Aтира Property Management.

It was **MOVED** (309), **SECONDED** (203) to accept the certification of the proxies.

CARRIED UNANIMOUSLY

CERTIFICATION OF QUORUM

A total of 21 owners were represented, with 18 in person and 3 by proxy. As per the requirements of the Strata Property Act a quorum was therefore established.

It was **MOVED** (104), **SECONDED** (203) to accept the certification of the quorum.

CARRIED UNANIMOUSLY

PROOF OF NOTICE

There were no returns of the advanced meeting notice dated March 11, 2009, as previously sent to owners by mail.

It was **MOVED** (309), **SECONDED** (104) to accept the notice of March 11, 2009 as circulated.

CARRIED UNANIMOUSLY

APPROVAL OF AGENDA

The agenda for this meeting is included in the SGM package.

It was **MOVED** (104), **SECONDED** (205) to accept the agenda as distributed.

CARRIED UNANIMOUSLY

APPROVAL OF THE LAST GENERAL MEETING MINUTES

The minutes of the previous General Meeting held on October 8, 2008 were considered.

It was **MOVED** (203), **SECONDED** (104) to accept the AGM minutes of October 8, 2008 as distributed.

CARRIED UNANIMOUSLY

¾ VOTE RESOLUTION #1 – AUTHORIZATION TO RAISE A SPECIAL LEVY OF \$180,110.00 TO FUND THE PERIMETER ROOF REPLACEMENT PROJECT

To approve a ¾ Vote Resolution to be passed by the owners of the Strata Corporation LMS 1301 on March 30, 2009.

Whereas:

¾ Vote Resolution #1 – Authorization to raise a Special Levy of \$180,110.00 to fund Perimeter Roof Replacement Project to conduct the roof project as recommended by Trow Engineering.

Preamble:

- The roof is in need of replacement;
- The cost of the perimeter roof replacement is estimated at \$180,110.00, One Hundred Eighty Thousand and One Hundred and Ten dollars
- The roof ties into the exterior envelope and will affect the warranty coverage if not replaced;
- It is our understanding at this time that HPO will cover the perimeter of the roof as it interfaces with the exterior envelope;

Be It Therefore Resolved by a ¾ vote of the Owners', Strata Plan LMS 1301 (the "Strata Corporation"), at this Special general meeting held March 30, 2009 that:

- A budget is authorized in the amount of \$180,110.00 to perform the perimeter roof replacement;

- The assessment is due immediately upon passage of this resolution;
- For the convenience of owners the assessment may be paid in three equal installments, due May 1st, 2009, June 1st, 2009, July 1st, 2009;
- Authorize and empowers the Council, and/or any representative they appoint, to execute the contract(s), and oversee the perimeter roof replacement project in the best interest of the Strata Corporation

It was then **MOVED** (203), **SECONDED** (104) to approve this resolution.

MOTION CARRIED, 20 IN FAVOUR, 1 OPPOSED

¾ VOTE RESOLUTION #2 – AUTHORIZATION TO RAISE A SPECIAL LEVY OF \$118,870.00 TO FUND THE ROOF DECKING REPLACEMENT PROJECT

To approve a ¾ Vote Resolution to be passed by the owners of the Strata Corporation LMS 1301 on March 30, 2009.

Whereas:

¾ Vote Resolution #2 – Authorization to raise Special Levy of \$118,870.00 to fund the Roof Decking Replacement Project, (excludes the perimeter) to conduct the roof project as recommended by Trow Engineering.

Preamble:

- The roof is in need of replacement;
- The cost of the roof decking replacement is estimated at \$118,870.00
- The roof decking, outside of the perimeter area needs to be replaced;
- It is our understanding at this time that HPO will not cover the roof decking of the roof as it does not interface with the exterior envelope;

Be It Therefore Resolved by a ¾ vote of the Owners', Strata Plan LMS 1301 (the "Strata Corporation"), at this Special general meeting held March 30, 2009 that:

- A budget is authorized in the amount of \$118,870.00 to perform the roof decking replacement;
- The assessment is due immediately upon passage of this resolution;
- For the convenience of owners the assessment may be paid in three equal installments, due May 1st, 2009, June 1st, 2009, July 1st, 2009.
- Authorize and empowers the Council, and/or any representative they appoint, to execute the contract(s), and oversee the roof decking replacement project in the best interest of the Strata Corporation

It was then **MOVED** (203), **SECONDED** (104) to approve this resolution.

MOTION DEFEATED, 8 IN FAVOUR, 9 OPPOSED, 4 ABSTENTIONS

ADJOURNMENT

There being no further business, it was **MOVED** (304) and **SECONDED** (104) to adjourn the meeting at 8:50 pm.

These minutes submitted by Tyler Johnson, General Manager.

Atira Property Management
120 Columbia Street, Vancouver, BC, V6A 3Z8
Telephone: 604-439-8848
Fax: 604-439-8804 Email: sara@atira.ca

Owners are reminded to keep these documents for their future reference in the event that they wish to sell their suite. Please note that any replacement copies may be purchased from Atira Management.

March 11, 2009

**Notice of Special General Meeting
The Owners, Strata Plan LMS 1301
"Lexington North"**

To Be Held On: Monday, March 30, 2009
Time: 7:00 p.m. (Registration will begin @ 6:45 p.m.)
Place: Meeting Room, 3709 E. Pender St, Vancouver, BC

An Agenda for this meeting along with some explanatory notes concerning voting procedures is enclosed herewith. Please read this material prior to the meeting and bring it with you to the meeting for reference.

1. **QUORUM:** In order to conduct business at a General Meeting at least thirty-three percent (33%) of the persons entitled to vote must be present in person or by proxy. If within one-half hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time; and if at the adjourned meeting a quorum is not present within one-half hour from the time appointed for the meeting, the persons entitled to vote present shall be a quorum.
2. **VOTING:** Please make sure your strata account is current. If you are unsure as to the status of your account, please contact the accounting department at **Atira Property Management**. No payments will be accepted at the meeting.
3. **PROXIES:** An instrument appointing a proxy shall be in writing under the hand of his appointee or his attorney. A proxy need not be an Owner. A proxy form is attached.
4. **3/4 VOTE RESOLUTIONS:** A $\frac{3}{4}$ vote means a vote in favor of a resolution by at least $\frac{3}{4}$ (75%) of the votes cast by eligible voters who are present in person or by proxy at the time the vote is taken and who have not abstained from voting;

Purpose:

- **Approval of $\frac{3}{4}$ Vote Resolutions #1**
- **Approval of $\frac{3}{4}$ Vote Resolutions #2**

"Please bring this notice to the meeting"

**“Lexington North”
Strata Plan LMS 1301**

SPECIAL GENERAL MEETING

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- **$\frac{3}{4}$ Vote Resolution #2 – Authorization to raise Special Levy of \$118,870.00 to fund the Roof Decking Replacement Project, (excludes the perimeter) to conduct the roof project as recommended by Trow Engineering.**
- **Special Levy Fee Schedule**
- **Proxy form**

**¾ VOTE RESOLUTION #1 – AUTHORIZATION TO RAISE A
SPECIAL LEVY OF \$180,110.00 TO FUND THE PERIMETER ROOF
REPLACEMENT PROJECT**

To approve a ¾ Vote Resolution to be passed by the owners of the Strata Corporation LMS 1301 on March 30, 2009.

Whereas:

¾ Vote Resolution #1 – Authorization to raise a Special Levy of \$180,110.00 to fund Perimeter Roof Replacement Project to conduct the roof project as recommended by Trow Engineering.

Preamble:

- The roof is in need of replacement;
- The cost of the perimeter roof replacement is estimated at \$180,110.00, One Hundred Eighty Thousand and One Hundred and Ten dollars
- The roof ties into the exterior envelope and will affect the warranty coverage if not replaced;
- It is our understanding at this time that HPO will cover the perimeter of the roof as it interfaces with the exterior envelope;

Be It Therefore Resolved by a ¾ vote of the Owners', Strata Plan LMS 1301 (the "Strata Corporation"), at this Special general meeting held March 30, 2009 that:

- A budget is authorized in the amount of \$180,110.00 to perform the perimeter roof replacement;
- The assessment is due immediately upon passage of this resolution;
- For the convenience of owners the assessment may be paid in three equal installments, due May 1st, 2009, June 1st, 2009, July 1st, 2009;
- Authorize and empowers the Council, and/or any representative they appoint, to execute the contract(s), and oversee the perimeter roof replacement project in the best interest of the Strata Corporation

This resolution was approved and passed on March 30, 2009.

Council Member Signature

Council Member Signature

3/4 VOTE RESOLUTION #2 – AUTHORIZATION TO RAISE A SPECIAL LEVY OF \$118,870.00 TO FUND THE ROOF DECKING REPLACEMENT PROJECT

To approve a 3/4 Vote Resolution to be passed by the owners of the Strata Corporation LMS 1301 on March 30, 2009.

Whereas:

3/4 Vote Resolution #2 – Authorization to raise Special Levy of \$118,870.00 to fund the Roof Decking Replacement Project, (excludes the perimeter) to conduct the roof project as recommended by Trow Engineering.

Preamble:

- The roof is in need of replacement;
- The cost of the roof decking replacement is estimated at \$118,870.00
- The roof decking, outside of the perimeter area needs to be replaced;
- It is our understanding at this time that HPO will not cover the roof decking of the roof as it does not interface with the exterior envelope;

Be It Therefore Resolved by a 3/4 vote of the Owners', Strata Plan LMS 1301 (the "Strata Corporation"), at this Special general meeting held March 30, 2009 that:

- A budget is authorized in the amount of \$118,870.00 to perform the roof decking replacement;
- The assessment is due immediately upon passage of this resolution;
- For the convenience of owners the assessment may be paid in three equal installments, due May 1st, 2009, June 1st, 2009, July 1st, 2009.
- Authorize and empowers the Council, and/or any representative they appoint, to execute the contract(s), and oversee the roof decking replacement project in the best interest of the Strata Corporation
-

This resolution was approved and passed on March 30, 2009.

Council Member Signature

Council Member Signature



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Caring Property Management For Your Community

**STRATA PLAN LMS 1301 – LEXINGTON NORTH
MINUTES OF SPECIAL GENERAL MEETING
January 31, 2008**

Call to Order

The meeting was called to order at 7:05 pm.

Registration/Certification of Proxies

The property manager reported that 17 owners had registered, 16 in person and one by proxy; the proxy was certified as in order. As attendance represented over 80 per cent of strata owners, a quorum was present.

Proof of Notice

The notice of special general meeting was mailed to all owners on January 2, 2008, four weeks in advance of scheduled meeting date. This exceeded the notice requirements under the Strata Act; therefore the meeting was duly constituted.

Home Owners Protection Office Presentation

Sharon Turk of the HPO attended to inform owners of the HPO loan program, qualifications for it and the various steps in the application process. The strata qualifications have already been met; individual owners will qualify if they have insufficient liquid assets to pay the special assessment on their own or the total of the special assessment and the current mortgage payment exceeds 80% of the assessed value of the strata lot. There were separate qualification provisions for seniors.

Sharon indicated that individual owners had to file an application with HPO following receipt of the actual special assessment from the strata. If they were approved, HPO would negotiate individually on payment terms depending upon each person's circumstances. Once HPO has sent a letter of approval to an owner, that owner would be considered paid-in-full for the special assessment even though the money would not be provided to the property manager until the repair contract had been signed.

Sharon said that HPO policy did not allow it to lend money to repair horizontal surfaces (decks, walkways and roofs) as this was considered general maintenance. Therefore, the costs associated with this part of the project would have to be paid by owners outside of the HPO loan process.

If the actual costs of the project exceeded the estimates provided, the loan amount could be amended without the need for an additional application.

Further information can be obtained by contacting the HPO office at 604-646-7050 or www.hpo.bc.ca. Applications can be mailed or downloaded from the internet site.

Sharon also reported that the strata qualified for a PST rebate when it did some building envelop work in 2000-2001; however, the application has never been filed. Council will review the old strata records to determine what happened as well as develop the rebate applications.

Discussion

Dino Chies from TROW Associates responded to a number of questions from owners relating to the costs of the project, particularly how to separate the roof/balcony costs from the envelop costs. Dino indicated that he would be working with his staff and some contractors to attempt to assess this matter as soon as possible; then the property manager could separate the assessment costs for the purpose of HPO applications. This will not change the proposed cost of the special assessment.

Dino reported that it would take about eight weeks to prepare the tender documents and another month for the tender call and review of bids submitted. Before the tender documents are sent out, the strata council will have the opportunity to review and comment on the specifications for the job (type of material, roofing options, colours, etc). Council can also recommend contractors to bid on the job though they will have to be HPO-registered to bid. Following approval of the contract, the work would commence relatively quickly but would probably take more than a year to complete. Each bidder will be providing a schedule as part of the tender process.

Concern was expressed that the estimated engineering costs of the project could be substantially increased by courier, travel and other items. Dino indicated that he would look at this with his staff and perhaps propose a flat cost to cover these expenditures.

Vote

On the special resolution, it was moved and seconded that the resolution be approved.

In favour – 14; opposed – 2; abstaining – 1. As the vote in favour of the resolution exceeded the 75% required, the resolution was adopted.

The property manager reported that he would be sending a revised unit cost out to owners as soon as it was available.

Adjournment

The meeting was adjourned at 8:15 pm.



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THE OWNERS, STRATA PLAN LMS 1301

PROPOSED SPECIAL RESOLUTION # 1

For consideration at the Special General Meeting on January 31, 2008

BACKGROUND

Over the past five or six years, there have been a number of water ingress problems raised by individual strata owners as well as by the strata council relating to roof issues primarily but also including decks and balconies over living space. Many complaints were received about water ingress issues and at least one strata owner had one of his balconies covered by a large blue tarp in order to eliminate water ingress problems.

In the spring of 2007, the strata council authorized an engineering inspection of the roof. The engineer's report noted not only significant issues with the current condition of the roof but also concerns with deteriorating balcony membranes. Subsequent to receiving this report, the strata council authorized a building envelop assessment to be conducted by TROW Associates.

TROW conducted its assessment in early fall, 2007 and provided the strata council with a detailed report of its findings in October, 2007 (see report attached). TROW engineering staff attended an owners' information meeting in December 2007 to explain its findings and answer owners' questions as to its recommendations as well as the remediation options and potential costs.

At the conclusion of this meeting, the majority of owners present indicated that they would be prepared to accept the full remediation option and requested that a special general meeting be scheduled as soon as possible as required under the strata act.

RESOLUTION

BE it resolved that owners approve the full repair as detailed in Option 1 of the TROW's engineers' report at a cost of \$2,515,000 and that the budget for this work be raised by a special levy to the Owners of Strata Plan LMS 1301; and

STRATA PLAN LMS 1301 – LEXINGTON NORTH

PROPOSED BUDGET – BUILDING REMEDIATION

| # | Issue | Cost | Notes |
|----|--|--------------------|-----------------------|
| 1 | Exterior walls and penetrations (windows /doors, etc | \$1,200,000 | HPO warranty required |
| 2 | Patio wall perimeters, walkways and decks | \$ 250,000 | RCABC warranty |
| 3 | Roofs (sloped and low-sloped) | \$ 125,000 | Warranty recommended |
| 4. | Contingency (hidden and unit repairs) | \$ 375,000 | Approx 25% |
| | Total Construction Costs | \$1,950,000 | |
| 5 | Document preparation and tendering | \$ 30,000 | Pre-construction |
| 6. | Engineering costs during construction | \$ 140,000 | Certification costs |
| 7. | Permits and consultants | \$ 25,000 | As required |
| | Total Engineering Costs | \$ 195,000 | |
| 8 | HPO Warranty | \$ 105,000 | 5% of construction |
| 9 | Landscaping provision | \$ 10,000 | Post-construction |
| 10 | Owner delinquency | \$ 100,000 | Failure to pay |
| 11 | Project management | \$ 45,000 | 2% of cost |
| 12 | Total Other Costs | \$ 260,000 | |
| 13 | GST | \$ 110,000 | As required at 5% |
| 14 | Total Costs | \$2,515,000 | |

STRATA UNIT COSTS –SPECIAL ASSESSMENT

| Lot | Unit | UE | Assessment | Lot | Unit | UE | Assessment |
|-----|------|-----|--------------|-----|------|------|--------------|
| 1 | 102 | 84 | 124,416.94 | 12 | 208 | 86 | 127,379.24 |
| 2 | 104 | 83 | 122,935.78 | 13 | 202 | 86 | 127,379.24 |
| 3 | 106 | 83 | 122,935.78 | 14 | 206 | 98 | 145,153.09 |
| 4 | 108 | 65 | 96,275.01 | 15 | 301 | 89 | 131,822.71 |
| 5 | 204 | 66 | 97,756.16 | 16 | 303 | 89 | 131,822.71 |
| 6 | 201 | 67 | 99,237.32 | 17 | 305 | 89 | 131,822.71 |
| 7 | 203 | 65 | 96,275.01 | 18 | 307 | 89 | 131,822.71 |
| 8 | 205 | 65 | 96,275.01 | 19 | 309 | 89 | 131,822.71 |
| 9 | 207 | 67 | 99,237.32 | 20 | 212 | 99 | 146,634.25 |
| 10 | 214 | 66 | 97,756.16 | 21 | 216 | 86 | 127,379.24 |
| 11 | 210 | 87 | 128,860.04 | | | 900 | 1,333,038.61 |
| | | 798 | 1,181,960.53 | | | 1698 | 2,514,999.14 |