

**ANNUAL GENERAL MEETING MINUTES  
STRATA PLAN LMS 4456 – "ONE WALL CENTRE"  
938 NELSON STREET, VANCOUVER, BC**

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**HELD:** Saturday, January 14, 2006

**PLACE:** 938 Nelson Street, Sheraton Vancouver Wall Centre Hotel  
Orca Room, 3<sup>rd</sup> Floor

**STRATA AGENT:** Rick Dickson, *Ascent Real Estate Management Corporation*  
Michele Campbell, *Ascent Real Estate Management Corporation*

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**REGISTRATION**

Upon arrival owners signed next to their strata lots on the registration sheet provided and received a voting card prior to being seated.

**CALL TO ORDER**

The meeting was called to order at 10:03 a.m. by Bruce Gleig, vice president.

**INTRODUCTION**

Bruce Gleig introduced all council members and strata agents. Special thanks to Phillip Jhin and Shamin Lalani for their tireless efforts on behalf of the strata corporation.

**QUORUM REPORT**

Registration confirmed there were twenty-seven (27) owners present in person or by proxy. This exceeded the required quorum and the meeting was declared competent to proceed.

**PROOF OF NOTICE & APPROVE AGENDA**

It was moved by unit 4204 and seconded by unit 3601 to approve the Notice of Call and the Agenda, as presented.

**MOTION CARRIED.**

**APPROVAL OF PREVIOUS GENERAL MEETING MINUTES**

It was moved by unit 3803 and seconded by 4502 to approve the minutes of the previous Annual General Meeting held on January 22, 2005.

**MOTION CARRIED.**

**INSURANCE REPORT**

The strata agent reviewed the insurance policy as circulated with the AGM Notice. It was noted all owners are advised to carry insurance to protect the contents and betterments of their individual units. The strata corporation's insurance does not cover such contents nor any betterments made to their strata lots. The strata agent noted that the strata corporation saved approximately \$20,000.00 in insurance premium costs by participating the master insurance policy with the strata agent.

**RECEIVE REPORTS**

David Albrice of RDH Engineering provided the owners with a 25 minute power point presentation giving an overview of the Contingency Reserve Fund Study noting what aspects of the building were reviewed at during the study. The study looks at major components of the strata corporation such as the window curtain wall, elevators, boilers, and mechanical equipment owned and shared and provides the strata council a guideline for replacement and maintenance of these major components of the strata corporation. Mr. Albrice noted that he would be able to

finalize the draft Contingency Reserve Fund Study after he receives the original invoices from Wall Financial Corporation for the utilities that are being shared.

Mr. Albrice answered all relative questions from the owners present with respect to the report.

### **APPROVAL OF BUDGET**

It was moved by unit 3902 and seconded by unit 4504 to approve the budget as presented.

After a discussion, it was moved by unit 4504 and seconded by unit 3803 to reduce the amount of the contingency fund contribution from \$150,000.00 to \$100,000.00.

**MOTION CARRIED.**

It was therefore moved and seconded to approve the budget as amended.

**MOTION CARRIED UNANIMOUSLY**

### **RESOLUTIONS**

#### **Resolution #1 – ¾ Vote Maintenance Manual**

**Whereas**, a comprehensive maintenance manual for all aspects of the common property and assets of the strata corporation would assist in determining specification, timing and budgeting of required maintenance. The strata council recommends a maintenance manual be created.

**"Therefore**, be it resolved the owners, Strata Plan LMS 4456 authorize the expenditure of up to \$12,000.00 for the creation of a new maintenance manual, from the contingency reserve funds."

It was moved by unit 3103 and seconded by 3803 to approve the resolution as presented (25 in favour, 2 opposed, 0 abstentions).

**MOTION CARRIED**

#### **Resolution #2 – ¾ Vote Window Study**

**Whereas**, the windows (curtain wall) are a significant and most expensive system forming the building envelope, and represents a major capital expenditure of the contingency reserve study, and

**Whereas**, some windows have failed and although the developer and window manufacturer have replaced some windows and intend to replace more windows, the strata council recommended the strata corporation commission an independent window study, which will provide the strata corporation independent information concerning operational matters, and long term planning.

After discussion, it was agreed to add the following:

***Whereas**, the developer and window manufacturer have replaced some of the windows that have failed to date and the developer has verbally indicated its intention to replace more windows in the future, the strata council recommended the commissioning of a window study by RDH Engineering, which will provide pertinent independent information to owners regarding the state of the windows.*

**Therefore**, be it resolved the owners, Strata Plan LMS 4456, authorize the expenditure of up to \$25,000.00 for an independent window study, from the contingency reserve fund.

It was moved by unit 4701 and seconded by units 3803 to approve the resolution as presented (25 in favour, 2 opposed and 0 abstentions).

**MOTION CARRIED.**

### **Resolution #3 – Majority Vote - Operating Surplus**

**Whereas**, in accordance with section 104 – Budget Surpluses and Deficits of the Strata Property Act, the strata corporation must determine what to do with surpluses and deficits of contributions to the operating funds. The strata council projects an operating surplus for the 2005 fiscal year. Expenses are recorded on a cash basis; once all 2005 expenses have been paid an exact amount will be reported. The strata council recommends the surplus be transferred equally to the contingency reserve fund and to retained earnings.

**"Therefore**, be it resolved the operating fund surplus of the fiscal year 2005 be transferred equally to the contingency reserve fund and retained earnings."

It was moved by unit 3601 and seconded by unit 4502 to approve the resolution as presented.

**MOTION CARRIED UNANIMOUSLY.**

### **Resolution #4 – Majority Vote – Reallocation of Funds**

**Whereas**, the current balance sheet of the strata corporation lists a number of accounts that are dormant, or funds no longer required, the council requests the owners approve those funds, as indicated in the resolution, be reallocated to the contingency reserve fund.

**"Therefore**, be it resolved the owners, Strata Plan LMS 4456, authorize the council to reallocate the following funds to the contingency reserve fund:

- Furniture and Artwork Fund \$13,342.89 (approximately)"

It was moved by unit 3803 and seconded by units 4804 to approve the resolution as presented.

**MOTION CARRIED UNANIMOUSLY.**

### **Resolution #5 – ¾ Vote Bylaw Amendment – Spending Authority**

**Whereas**, the spending authority of the strata council is currently restricted to the amount set out in the Strata Property Act section 98(2)(b), that being \$2,000.00, it is proposed the spending authority be increased to \$7,500.00.

**"Therefore**, be it resolved, the owners, Strata Plan LMS 4456, adopt bylaw 15.5, which reads, the council may spend up to \$7,500.00 from operating funds, or retained earnings"

It was moved by unit 3803 and seconded by unit 4502 to approve the resolution as presented. (26 in favour, 0 opposed and 1 abstention).

**MOTION CARRIED.**

### **Resolution #6 – ¾ Vote – Authority to Arbitrate**

**Whereas**, the council must, in accordance with sections 171 and 172 of the Strata Property Act, obtain the authority of owners to sue and/or arbitrate, and

**Whereas**, the developer suggested arbitration of outstanding issues between the strata council and the developer, the strata council recommends that the strata corporation agree to and participate in an arbitration with the developer of outstanding issues between the strata corporation and the developer.

**"Therefore**, be it resolved the owners, Strata Plan LMS 4456, authorize the strata council in accordance with sections 171 and 172 of the Strata Property Act to agree to and participate in an arbitration with the developer of outstanding issues between the strata corporation and the developer."

It was moved by unit 4501 and seconded by unit 4603 to approve the resolution as presented.

**MOTION CARRIED UNANIMOUSLY.**

## **Resolution #7 – Majority Vote – Ratification of Rules**

**Whereas**, the council has determined the following attached rules have been adopted by the council, for the purpose of orderly conduct of operations.

**"Therefore**, be it resolved the owners, LMS 4456, ratify the following attached rules:

Contractor Rules  
Request to Renovate  
Moving in or out  
Event Rules"

It was moved by unit 4502 and seconded by unit 3903 to approve the resolution as presented.

**MOTION CARRIED UNANIMOUSLY.**

## **Resolution #8 – ¾ Vote – Cable TV**

**Whereas**, a bulk cable rate for channels up to and including channel 59 plus several other channels can be purchased by the strata corporation at a significant discount, which would be paid for only by owner agreeing to the bulk cable rate, and

**Whereas**, owners would continue to contract, at their option, for additional cable services such as movie channels, specialty channels and internet separately with the provider and – see preamble,

### **Preamble**

The strata council of **The Owners, Strata Plan LMS 4456** (the "Strata Corporation") wishes to investigate purchasing cable TV from Shaw Cable at a bulk rate (the "Bulk Rate") in order to achieve certain savings. The more strata lots that participate in the bulk cable purchase, the greater the savings for each strata lot. The Strata Corporation is charged by Shaw for all units, the Strata Corporation then charges each agreed Bulk Rate user, a user fee that is paid in addition to the regular, monthly strata fees. Strata lot owners that do not wish to participate will not be charged the cable user fee. The total cable expense will be divided by the number of agreed cable users to determine the bulk rate. In addition to the monthly user fee for Cable TV, each participating strata lot will pay an administrative fee to Ascent Real Estate Management Corporation. The Bulk Cable expense will be included in the operating budget for the next five years. Any strata lot that does not participate in the Bulk Rate from the outset may participate by being added to the program and will be charged the same initial user fee as the initial users.

### **Whereas:**

1. Significant savings are achieved if strata lots in **THE OWNERS, STRATA PLAN LMS 4456** (the "Strata Corporation") purchase cable TV ("Cable TV") from Shaw Cable TV ("Shaw") at Shaw's bulk rate (the "Bulk Rate");
2. Ascent Real Estate Management Corporation ("Ascent") manages the Strata Corporation and has negotiated a Bulk Rate with Shaw;
3. Pursuant to section 110 of the Strata Property Act, SBC 1998, c. 43 (the "Act") and Regulation 6.9 to the Act, the Strata Corporation may impose a user fee for the use of common property, if the amount of the user fee is reasonable and the user fee is set out in a bylaw or rule and the rule has been ratified under section 125(b) of the Act;
4. The Strata Corporation is holding a general meeting to pass certain resolutions to determine the degree of interest in the Strata Corporation to purchase Cable TV at a Bulk Rate;
5. Ascent proposes to bill, collect, record and report each strata lot's share of the Bulk Rate for an additional monthly administrative charge of \$2.50 per strata lot and pay the Bulk Rate to Shaw;

6. Owners who wish to participate in the Bulk Rate for Cable TV will sign a written agreement and the savings will be calculated;
7. Before purchasing Cable TV at a Bulk Rate, there must be significant savings to each strata lot, as determined by the strata council with input from the owners at the general meeting;

**BE IT RESOLVED** by a majority vote of **THE OWNERS, STRATA PLAN LMS 4456** (the "Strata Corporation") that if owners of strata lots in the Strata Corporation achieve significant savings, as determined by the strata council, by purchasing Cable TV at a Bulk Rate, the owners do hereby authorize the Strata Corporation to contract with Shaw Cable TV at a Bulk Rate for a term of not less than five years (the "Term") with no cost increases during the Term.

**BE IT RESOLVED** by a majority vote of the Strata Corporation that any rule adopted by the strata council that sets out a user fee, including the monthly administrative fee of \$2.50 (together, the "Cable Fee"), for a strata lot for Cable TV at a Bulk Rate be and is hereby confirmed, approved and ratified.

**BE IT RESOLVED** by a 3/4 vote of the Strata Corporation that the bylaws of the Strata Corporation be and are hereby amended by the addition of the following bylaws:

1. For a term of five years, the Strata Corporation will charge a monthly user fee, together with a monthly administrative charge of \$2.50 (collectively, the "Cable Fee") to each strata lot in the Strata Corporation whose owner signs a bulk rate agreement (the "Bulk Rate Agreement").
2. The amount of the Cable Fee for each strata lot will be set forth in a rule of the Strata Corporation and the strata lots whose owner(s) sign a Bulk Rate Agreement shall be obliged to pay the Cable Fee, regardless of whether the specific owner signed the Bulk Rate Agreement.
3. An owner who signs a Bulk Rate Agreement and fails to pay the strata lot's Cable Fee in the amount set forth in the rules of the Strata Corporation will be subject to a fine of \$25.00.
4. A monthly administrative charge of \$2.50 will be retained by Ascent Real Estate Management Corporation from the Cable Fee.

It was moved by unit 4603 and seconded by unit 4502 to approve the resolution as presented.

**MOTION CARRIED UNANIMOUSLY.**

## **NEW BUSINESS**

1. **Website:** Shamin Lalani gave a brief report on the progress of the website for the strata corporation. Owners will be able to access minutes, eforms and other documents pertinent to the strata corporation.

The website will be available at the following web addresses; [www.onewallcentre.ca](http://www.onewallcentre.ca), [www.onewallcenter.ca](http://www.onewallcenter.ca), [www.onewallcentre.com](http://www.onewallcentre.com) and [www.onewallcenter.com](http://www.onewallcenter.com).

A big thanks to Margaret Gleig for taking interior and exterior photos of the building. The council also thanked the website committee for all their hard work.

2. **Climb the Wall:** An owner asked for clarification with respect to what hallways are used during the Climb the Wall event and also asked if only one hallway could be used in order to reduce damage.

Council noted the Lung Association has provided a letter and agreement to council with respect to reducing damage to the building.

3. **Movie Shoot:** An owner has requested permission from council to have a movie shoot in his suite.

The council has drafted an agreement for the film production company that includes a damage deposit. Chris Sayour has agreed to review the agreement for council.

4. **Speed Bumps:** An owner reported to council that she has damaged the under carriage of her car on the new speed bumps. Council will keep an eye on this situation in case further incidents are reported.
5. **Window Stage:** An owner informed council that the window washers are starting work as early as 7:00 a.m. on the roof and creating a noise disturbance to nearby residents. Council will request the window washers wait until after 8:00 a.m. to commence work.

Owners requested that they be notified when the windows are to be cleaned.

6. **Satellite Dish:** An owner asked for clarification as to what company provides service for the building's satellite dish. Another owner advised it was Bell.
7. The strata agent was requested to obtain a quotation from the elevator company to provide better notification as to which elevator cab is approaching on P5.
8. The hallway carpet outside unit 4803 will be re-dyed to match the existing carpet.

### **COUNCIL ELECTIONS**

The owners were advised that a new Council must be elected at each Annual General Meeting, members of the current Council were also eligible for election. The floor was then opened for nomination. The following owners were nominated:

Philip Jhin	Allan Chapple	Shaun Maskerine
Nel Dragovan	Shamin Lalani	Chris Sayour

As there were no further nominations nor volunteers, the above owners were declared, by acclamation, to constitute the strata council for the year 2006.

The outgoing council and particularly Bruce Gleig, the retiring council vice president, were thanked for their service by the owners present.

### **ADJOURNMENT**

As there was no further business, the meeting was adjourned at 12:35 p.m.

Ascent Real Estate Management Corporation  
Managing Agents  
On Behalf of Owners' Strata Plan LMS 4456

R. S. (Rick) Dickson  
Strata Agent

RSD/mc